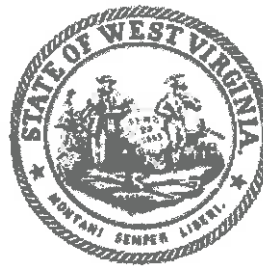


West Virginia Department of Environmental Protection
Division of Air Quality

Earl Ray Tomblin
Governor

Randy C. Huffman
Cabinet Secretary

Permit to Operate



Pursuant to
Title V
of the Clean Air Act

Issued to:
Williams Ohio Valley Midstream LLC
Moundsville Fractionation Plant
R30-05100141-2015



William F. Durham
Director

Issued: November 10, 2015 • Effective: November 24, 2015
Expiration: November 10, 2020 • Renewal Application Due: May 10, 2020

Permit Number: **R30-05100141-2015**
Permittee: **Williams Ohio Valley Midstream LLC**
Facility Name: **Moundsville Fractionation Plant**
Permittee Mailing Address: **100 Teletech Drive, Suite 2, Moundsville, WV 26041**

This permit is issued in accordance with the West Virginia Air Pollution Control Act (West Virginia Code §§ 22-5-1 et seq.) and 45CSR30 — Requirements for Operating Permits. The permittee identified at the above-referenced facility is authorized to operate the stationary sources of air pollutants identified herein in accordance with all terms and conditions of this permit.

Facility Location:	Moundsville, Marshall County, West Virginia
Facility Mailing Address:	200 Caiman Drive, Moundsville, WV 26041
Telephone Number:	304-843-3103
Type of Business Entity:	LLC
Facility Description:	Natural gas liquids fractionation
SIC Codes:	1321
UTM Coordinates:	517.35 km Easting • 4,418.11 km Northing • Zone 17

Permit Writer: Denton B. McDerment, PE

Any person whose interest may be affected, including, but not necessarily limited to, the applicant and any person who participated in the public comment process, by a permit issued, modified or denied by the Secretary may appeal such action of the Secretary to the Air Quality Board pursuant to article one [§§ 22B-1-1 et seq.], Chapter 22B of the Code of West Virginia. West Virginia Code §22-5-14.

Issuance of this Title V Operating Permit does not supersede or invalidate any existing permits under 45CSR13, 14 or 19, although all applicable requirements from such permits governing the facility's operation and compliance have been incorporated into the Title V Operating Permit.

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APPENDIX A – Class II General Permit G60-C

1.0 Emission Units and Active R13, R14, and R19 Permits

1.1 Emission Units

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device
1S	Frac1	Fractionation Plant 1 (fugitives only)	2011	12,500 BPD	None
	Frac2	Fractionation Plant 2 (fugitives only)	2013	30,000 BPD	None
2S	TLO	Product Loading/Unloading	2011 and 2013	58,200 BPD	Flare (FL-02)
3S	TKS	Stabilized Condensate Tanks	2014	3 tanks @ 90,000 gallons	Pressure Vessels
3S	TKS	NGL Accumulation Tanks	2011	6 tanks @ 61,400 gallons	Pressure Vessels
			2013	6 tanks @ 90,000 gallons	
3S	TKS	Propane Accumulation Tanks	2011	2 tanks @ 114,000 gallons 4 tanks @ 90,000 gallons	Pressure Vessels
			2013	2 tanks @ 420,000 gallons 1 tank @ 90,000 gallons	
3S	TKS	Butane Accumulation Tanks	2011	2 tanks @ 140,000 gallons	Pressure Vessels
			2013	3 tanks @ 210,000 gallons	
3S	TKS	Natural Gasoline Accumulation Tanks	2011	2 tanks @ 60,000 gallons	Pressure Vessels
			2013	1 tank @ 90,000 gallons	Pressure Vessel
V-2950 V-2951	5E	Natural Gasoline Storage Tanks	2013	2 tanks @ 454,000 gallons	Flare (FL-02)
3S	TKS	Slop Liquid Tanks	2011	2 tanks @ 8,240 gallons	None
3S	TKS	Diesel Fuel Tank	2011	1 tank @ 520 gallons	None
3S	TKS	Gasoline Tank	2011	1 tank @ 520 gallons	None
3S	TKS	Methanol (MeOH) Tank	2011	1 tank @ 300 gallons	None
3S	TKS	Mercaptan (Odorant) Tanks	2011	2 tanks @ 1,000 gallons	None
			2013	1 tank @ 3,000 gallons	None
1-HTR	1E	Frac1 - Hot Oil Heater	2011	45.54 MMBTU/hr	None
2-HTR	2E	Frac2 - Hot Oil Heaters (2)	2013	89.85 MMBTU/hr (each)	None

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device
5S	5E	Process Flare (FL-02) (99% control efficiency for VOCs and total HAPs)	2013	0.24 MMBTU/hr (pilot) 620 MMBTU/hr (max.) 28,000 lb/hr throughput (max.)	None
EG-1 (6S)	6E	Emergency Generator Kohler 25REZG, Four-stroke Rich Burn, Liquid Propane Gas-fired engine (manufactured November 2012)	TBD	49.2 hp at 1800 RPM (36.7 kW)	None
7S	N/A	Miscellaneous Equipment Leaks	2011	N/A	N/A

BPD – barrels per day; N/A – not applicable; TBD – to be determined

1.2. Active R13, R14, and R19 Permits

The underlying authority for any conditions from R13, R14, and/or R19 permits contained in this operating permit is cited using the original permit number (e.g. R13-1234). The current applicable version of such permit(s) is listed below.

Permit Number	Date of Issuance
R13-2892D	October 19, 2015
G60-C069	March 31, 2015

2.0 General Conditions

2.1. Definitions

- 2.1.1. All references to the "West Virginia Air Pollution Control Act" or the "Air Pollution Control Act" mean those provisions contained in W.Va. Code §§ 22-5-1 to 22-5-18.
- 2.1.2. The "Clean Air Act" means those provisions contained in 42 U.S.C. §§ 7401 to 7671q, and regulations promulgated thereunder.
- 2.1.3. "Secretary" means the Secretary of the Department of Environmental Protection or such other person to whom the Secretary has delegated authority or duties pursuant to W.Va. Code §§ 22-1-6 or 22-1-8 (45CSR§30-2.12.). The Director of the Division of Air Quality is the Secretary's designated representative for the purposes of this permit.
- 2.1.4. Unless otherwise specified in a permit condition or underlying rule or regulation, all references to a "rolling yearly total" shall mean the sum of the monthly data, values or parameters being measured, monitored, or recorded, at any given time for the previous twelve (12) consecutive calendar months.

2.2. Acronyms

CAAA	Clean Air Act Amendments	NSPS	New Source Performance Standards
CBI	Confidential Business Information		
CEM	Continuous Emission Monitor	PM	Particulate Matter
CES	Certified Emission Statement	PM₁₀	Particulate Matter less than 10µm in diameter
C.F.R. or CFR	Code of Federal Regulations		
CO	Carbon Monoxide	pph	Pounds per Hour
C.S.R. or CSR	Codes of State Rules	ppm	Parts per Million
DAQ	Division of Air Quality	PSD	Prevention of Significant Deterioration
DEP	Department of Environmental Protection	psi	Pounds per Square Inch
FOIA	Freedom of Information Act	SIC	Standard Industrial Classification
HAP	Hazardous Air Pollutant		
HON	Hazardous Organic NESHA	SIP	State Implementation Plan
HP	Horsepower	SO₂	Sulfur Dioxide
lbs/hr or lb/hr	Pounds per Hour	TAP	Toxic Air Pollutant
LDAR	Leak Detection and Repair	TPY	Tons per Year
m	Thousand	TRS	Total Reduced Sulfur
MACT	Maximum Achievable Control Technology	TSP	Total Suspended Particulate
mm	Million	USEPA	United States Environmental Protection Agency
mmBtu/hr	Million British Thermal Units per Hour	UTM	Universal Transverse Mercator
mmft³/hr or mmcf/hr	Million Cubic Feet Burned per Hour	VEE	Visual Emissions Evaluation
NA or N/A	Not Applicable	VOC	Volatile Organic Compounds
NAAQS	National Ambient Air Quality Standards		
NESHAPS	National Emissions Standards for Hazardous Air Pollutants		
NO_x	Nitrogen Oxides		

2.3. Permit Expiration and Renewal

- 2.3.1. Permit duration. This permit is issued for a fixed term of five (5) years and shall expire on the date specified on the cover of this permit, except as provided in 45CSR§30-6.3.b. and 45CSR§30-6.3.c.
[45CSR§30-5.1.b.]
- 2.3.2. A permit renewal application is timely if it is submitted at least six (6) months prior to the date of permit expiration.
[45CSR§30-4.1.a.3.]
- 2.3.3. Permit expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted consistent with 45CSR§30-6.2. and 45CSR§30-4.1.a.3.
[45CSR§30-6.3.b.]
- 2.3.4. If the Secretary fails to take final action to deny or approve a timely and complete permit application before the end of the term of the previous permit, the permit shall not expire until the renewal permit has been issued or denied, and any permit shield granted for the permit shall continue in effect during that time.
[45CSR§30-6.3.c.]

2.4. Permit Actions

- 2.4.1. This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
[45CSR§30-5.1.f.3.]

2.5. Reopening for Cause

- 2.5.1. This permit shall be reopened and revised under any of the following circumstances:
 - a. Additional applicable requirements under the Clean Air Act or the Secretary's legislative rules become applicable to a major source with a remaining permit term of three (3) or more years. Such a reopening shall be completed not later than eighteen (18) months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 45CSR§30-6.6.a.1.A. or B.
 - b. Additional requirements (including excess emissions requirements) become applicable to an affected source under Title IV of the Clean Air Act (Acid Deposition Control) or other legislative rules of the Secretary. Upon approval by U.S. EPA, excess emissions offset plans shall be incorporated into the permit.
 - c. The Secretary or U.S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

- d. The Secretary or U.S. EPA determines that the permit must be revised or revoked and reissued to assure compliance with the applicable requirements.

[45CSR§30-6.6.a.]

2.6. Administrative Permit Amendments

- 2.6.1. The permittee may request an administrative permit amendment as defined in and according to the procedures specified in 45CSR§30-6.4.

[45CSR§30-6.4.]

2.7. Minor Permit Modifications

- 2.7.1. The permittee may request a minor permit modification as defined in and according to the procedures specified in 45CSR§30-6.5.a.

[45CSR§30-6.5.a.]

2.8. Significant Permit Modification

- 2.8.1. The permittee may request a significant permit modification, in accordance with 45CSR§30-6.5.b., for permit modifications that do not qualify for minor permit modifications or as administrative amendments.

[45CSR§30-6.5.b.]

2.9. Emissions Trading

- 2.9.1. No permit revision shall be required, under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in the permit and that are in accordance with all applicable requirements.

[45CSR§30-5.1.h.]

2.10. Off-Permit Changes

- 2.10.1. Except as provided below, a facility may make any change in its operations or emissions that is not addressed nor prohibited in its permit and which is not considered to be construction nor modification under any rule promulgated by the Secretary without obtaining an amendment or modification of its permit. Such changes shall be subject to the following requirements and restrictions:

- a. The change must meet all applicable requirements and may not violate any existing permit term or condition.
- b. The permittee must provide a written notice of the change to the Secretary and to U.S. EPA within two (2) business days following the date of the change. Such written notice shall describe each such change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change.
- c. The change shall not qualify for the permit shield.

- d. The permittee shall keep records describing all changes made at the source that result in emissions of regulated air pollutants, but not otherwise regulated under the permit, and the emissions resulting from those changes.
- e. No permittee may make any change subject to any requirement under Title IV of the Clean Air Act (Acid Deposition Control) pursuant to the provisions of 45CSR§30-5.9.
- f. No permittee may make any changes which would require preconstruction review under any provision of Title I of the Clean Air Act (including 45CSR14 and 45CSR19) pursuant to the provisions of 45CSR§30-5.9.

[45CSR§30-5.9.]

2.11. Operational Flexibility

- 2.11.1. The permittee may make changes within the facility as provided by § 502(b)(10) of the Clean Air Act. Such operational flexibility shall be provided in the permit in conformance with the permit application and applicable requirements. No such changes shall be a modification under any rule or any provision of Title I of the Clean Air Act (including 45CSR14 and 45CSR19) promulgated by the Secretary in accordance with Title I of the Clean Air Act and the change shall not result in a level of emissions exceeding the emissions allowable under the permit.

[45CSR§30-5.8]

- 2.11.2. Before making a change under 45CSR§30-5.8., the permittee shall provide advance written notice to the Secretary and to U.S. EPA, describing the change to be made, the date on which the change will occur, any changes in emissions, and any permit terms and conditions that are affected. The permittee shall thereafter maintain a copy of the notice with the permit, and the Secretary shall place a copy with the permit in the public file. The written notice shall be provided to the Secretary and U.S. EPA at least seven (7) days prior to the date that the change is to be made, except that this period may be shortened or eliminated as necessary for a change that must be implemented more quickly to address unanticipated conditions posing a significant health, safety, or environmental hazard. If less than seven (7) days notice is provided because of a need to respond more quickly to such unanticipated conditions, the permittee shall provide notice to the Secretary and U.S. EPA as soon as possible after learning of the need to make the change.

[45CSR§30-5.8.a.]

- 2.11.3. The permit shield shall not apply to changes made under 45CSR§30-5.8., except those provided for in 45CSR§30-5.8.d. However, the protection of the permit shield will continue to apply to operations and emissions that are not affected by the change, provided that the permittee complies with the terms and conditions of the permit applicable to such operations and emissions. The permit shield may be reinstated for emissions and operations affected by the change:

- a. If subsequent changes cause the facility's operations and emissions to revert to those authorized in the permit and the permittee resumes compliance with the terms and conditions of the permit, or
- b. If the permittee obtains final approval of a significant modification to the permit to incorporate the change in the permit.

[45CSR§30-5.8.c.]

- 2.11.4. "Section 502(b)(10) changes" are changes that contravene an express permit term. Such changes do not include changes that would violate applicable requirements or contravene enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.

[45CSR§30-2.39]

2.12. Reasonably Anticipated Operating Scenarios

- 2.12.1. The following are terms and conditions for reasonably anticipated operating scenarios identified in this permit.

- a. Contemporaneously with making a change from one operating scenario to another, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating and to document the change in reports submitted pursuant to the terms of this permit and 45CSR30.
- b. The permit shield shall extend to all terms and conditions under each such operating scenario; and
- c. The terms and conditions of each such alternative scenario shall meet all applicable requirements and the requirements of 45CSR30.

[45CSR§30-5.1.i.]

2.13. Duty to Comply

- 2.13.1. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the West Virginia Code and the Clean Air Act and is grounds for enforcement action by the Secretary or USEPA; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

[45CSR§30-5.1.f.1.]

2.14. Inspection and Entry

- 2.14.1. The permittee shall allow any authorized representative of the Secretary, upon the presentation of credentials and other documents as may be required by law, to perform the following:

- a. At all reasonable times (including all times in which the facility is in operation) enter upon the permittee's premises where a source is located or emissions related activity is conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times (including all times in which the facility is in operation) any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit;

- d. Sample or monitor at reasonable times substances or parameters to determine compliance with the permit or applicable requirements or ascertain the amounts and types of air pollutants discharged.

[45CSR§30-5.3.b.]

2.15. Schedule of Compliance

- 2.15.1. For sources subject to a compliance schedule, certified progress reports shall be submitted consistent with the applicable schedule of compliance set forth in this permit and 45CSR§30-4.3.h., but at least **every** six (6) months, and no greater than once a month, and shall include the following:

- a. Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and
- b. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventative or corrective measure adopted.

[45CSR§30-5.3.d.]

2.16. Need to Halt or Reduce Activity not a Defense

- 2.16.1. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. However, nothing in this paragraph shall be construed as precluding consideration of a need to halt or reduce activity as a mitigating factor in determining penalties for noncompliance if the health, safety, or environmental impacts of halting or reducing operations would be more serious than the impacts of continued operations.

[45CSR§30-5.1.f.2.]

2.17. Emergency

- 2.17.1. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

[45CSR§30-5.7.a.]

- 2.17.2. Effect of any emergency. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of 45CSR§30-5.7.c. are met.

[45CSR§30-5.7.b.]

- 2.17.3. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

- a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;

- b. The permitted facility was at the time being properly operated;
- c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and
- d. Subject to the requirements of 45CSR§30-5.1.c.3.C.1, the permittee submitted notice of the emergency to the Secretary within one (1) working day of the time when emission limitations were exceeded due to the emergency and made a request for variance, and as applicable rules provide. This notice, report, and variance request fulfills the requirement of 45CSR§30-5.1.c.3.B. This notice must contain a detailed description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

[45CSR§30-5.7.c.]

- 2.17.4. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.

[45CSR§30-5.7.d.]

- 2.17.5. This provision is in addition to any emergency or upset provision contained in any applicable requirement.

[45CSR§30-5.7.e.]

2.18. Federally-Enforceable Requirements

- 2.18.1. All terms and conditions in this permit, including any provisions designed to limit a source's potential to emit and excepting those provisions that are specifically designated in the permit as "State-enforceable only", are enforceable by the Secretary, USEPA, and citizens under the Clean Air Act.

[45CSR§30-5.2.a.]

- 2.18.2. Those provisions specifically designated in the permit as "State-enforceable only" shall become "Federally-enforceable" requirements upon SIP approval by the USEPA.

2.19. Duty to Provide Information

- 2.19.1. The permittee shall furnish to the Secretary within a reasonable time any information the Secretary may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Secretary copies of records required to be kept by the permittee. For information claimed to be confidential, the permittee shall furnish such records to the Secretary along with a claim of confidentiality in accordance with 45CSR31. If confidential information is to be sent to USEPA, the permittee shall directly provide such information to USEPA along with a claim of confidentiality in accordance with 40 C.F.R. Part 2.

[45CSR§30-5.1.f.5.]

2.20. Duty to Supplement and Correct Information

- 2.20.1. Upon becoming aware of a failure to submit any relevant facts or a submittal of incorrect information in any permit application, the permittee shall promptly submit to the Secretary such supplemental facts or corrected information.

[45CSR§30-4.2.]

2.21. Permit Shield

- 2.21.1. Compliance with the conditions of this permit shall be deemed compliance with any applicable requirements as of the date of permit issuance provided that such applicable requirements are included and are specifically identified in this permit or the Secretary has determined that other requirements specifically identified are not applicable to the source and this permit includes such a determination or a concise summary thereof.

[45CSR§30-5.6.a.]

- 2.21.2. Nothing in this permit shall alter or affect the following:

- a. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance; or
- b. The applicable requirements of the Code of West Virginia and Title IV of the Clean Air Act (Acid Deposition Control), consistent with § 408 (a) of the Clean Air Act.
- c. The authority of the Administrator of U.S. EPA to require information under § 114 of the Clean Air Act or to issue emergency orders under § 303 of the Clean Air Act.

[45CSR§30-5.6.c.]

2.22. Credible Evidence

- 2.22.1. Nothing in this permit shall alter or affect the ability of any person to establish compliance with, or a violation of, any applicable requirement through the use of credible evidence to the extent authorized by law. Nothing in this permit shall be construed to waive any defenses otherwise available to the permittee including but not limited to any challenge to the credible evidence rule in the context of any future proceeding.

[45CSR§30-5.3.e.3.B. and 45CSR38]

2.23. Severability

- 2.23.1. The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance is held invalid by a court of competent jurisdiction, the remaining permit terms and conditions or their application to other circumstances shall remain in full force and effect.

[45CSR§30-5.1.e.]

2.24. Property Rights

- 2.24.1. This permit does not convey any property rights of any sort or any exclusive privilege.

[45CSR§30-5.1.f.4]

2.25. Acid Deposition Control

- 2.25.1. Emissions shall not exceed any allowances that the source lawfully holds under Title IV of the Clean Air Act (Acid Deposition Control) or rules of the Secretary promulgated thereunder.
- a. No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid deposition control program, provided that such increases do not require a permit revision under any other applicable requirement.
 - b. No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement.
 - c. Any such allowance shall be accounted for according to the procedures established in rules promulgated under Title IV of the Clean Air Act.

[45CSR§30-5.1.d.]

- 2.25.2. Where applicable requirements of the Clean Air Act are more stringent than any applicable requirement of regulations promulgated under Title IV of the Clean Air Act (Acid Deposition Control), both provisions shall be incorporated into the permit and shall be enforceable by the Secretary and U. S. EPA.
- [45CSR§30-5.1.a.2.]**

3.0 Facility-Wide Requirements

3.1. Limitations and Standards

- 3.1.1. **Open burning.** The open burning of refuse by any person is prohibited except as noted in 45CSR§6-3.1. [45CSR§6-3.1.]
- 3.1.2. **Open burning exemptions.** The exemptions listed in 45CSR§6-3.1 are subject to the following stipulation: Upon notification by the Secretary, no person shall cause or allow any form of open burning during existing or predicted periods of atmospheric stagnation. Notification shall be made by such means as the Secretary may deem necessary and feasible. [45CSR§6-3.2.]
- 3.1.3. **Asbestos.** The permittee is responsible for thoroughly inspecting the facility, or part of the facility, prior to commencement of demolition or renovation for the presence of asbestos and complying with 40 C.F.R. § 61.145, 40 C.F.R. § 61.148, and 40 C.F.R. § 61.150. The permittee, owner, or operator must notify the Secretary at least ten (10) working days prior to the commencement of any asbestos removal on the forms prescribed by the Secretary if the permittee is subject to the notification requirements of 40 C.F.R. § 61.145(b)(3)(i). The USEPA, the Division of Waste Management and the Bureau for Public Health - Environmental Health require a copy of this notice to be sent to them. [40 C.F.R. §61.145(b) and 45CSR34]
- 3.1.4. **Odor.** No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor at any location occupied by the public. [45CSR§4-3.1 State-Enforceable only.]
- 3.1.5. **Standby plan for reducing emissions.** When requested by the Secretary, the permittee shall prepare standby plans for reducing the emissions of air pollutants in accordance with the objectives set forth in Tables I, II, and III of 45CSR11. [45CSR§11-5.2]
- 3.1.6. **Emission inventory.** The permittee is responsible for submitting, on an annual basis, an emission inventory in accordance with the submittal requirements of the Division of Air Quality. [W.Va. Code § 22-5-4(a)(14)]
- 3.1.7. **Ozone-depleting substances.** For those facilities performing maintenance, service, repair or disposal of appliances, the permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 C.F.R. Part 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
- a. Persons opening appliances for maintenance, service, repair, or disposal must comply with the prohibitions and required practices pursuant to 40 C.F.R. §§ 82.154 and 82.156.
 - b. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 C.F.R. § 82.158.

- c. Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 C.F.R. § 82.161.

[40 C.F.R. 82, Subpart F]

- 3.1.8. **Risk Management Plan.** Should this stationary source, as defined in 40 C.F.R. § 68.3, become subject to Part 68, then the owner or operator shall submit a risk management plan (RMP) by the date specified in 40 C.F.R. § 68.10 and shall certify compliance with the requirements of Part 68 as part of the annual compliance certification as required by 40 C.F.R. Part 70 or 71.

[40 C.F.R. 68]

- 3.1.9. **Minor Source of Hazardous Air Pollutants (HAP).** HAP emissions from the facility shall not exceed 10 tons/year of any single HAP and 25 tons/year of any combination of HAPs. Compliance with this Section shall ensure that the facility is a minor HAP source.

[45CSR13, R13-2892, 4.1.2.]

- 3.1.10. **Operation and Maintenance of Air Pollution Control Equipment.** The permittee shall, to the extent practicable, install, maintain, and operate all pollution control equipment listed in Section 1.1 and associated monitoring equipment in a manner consistent with safety and good air pollution control practices for minimizing emissions, or comply with any more stringent limits set forth in this permit or as set forth by any State rule, Federal regulation, or alternative control plan approved by the Secretary.

[45CSR13, R13-2892, 4.1.3.; 45CSR§13-5.11.]

3.2. Monitoring Requirements

- 3.2.1. Reserved.

3.3. Testing Requirements

- 3.3.1. **Stack testing.** As per provisions set forth in this permit or as otherwise required by the Secretary, in accordance with the West Virginia Code, underlying regulations, permits and orders, the permittee shall conduct test(s) to determine compliance with the emission limitations set forth in this permit and/or established or set forth in underlying documents. The Secretary, or his duly authorized representative, may at his option witness or conduct such test(s). Should the Secretary exercise his option to conduct such test(s), the operator shall provide all necessary sampling connections and sampling ports to be located in such manner as the Secretary may require, power for test equipment and the required safety equipment, such as scaffolding, railings and ladders, to comply with generally accepted good safety practices. Such tests shall be conducted in accordance with the methods and procedures set forth in this permit or as otherwise approved or specified by the Secretary in accordance with the following:

- a. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with 40 C.F.R. Parts 60, 61, and 63, if applicable, in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable.
- b. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with applicable requirements which do not involve federal delegation. In specifying or approving such alternative testing to the test methods, the Secretary, to the extent possible, shall utilize the same equivalency criteria as would be used in approving such changes under Section 3.3.1.a. of this permit.

- c. All periodic tests to determine mass emission limits from or air pollutant concentrations in discharge stacks and such other tests as specified in this permit shall be conducted in accordance with an approved test protocol. Unless previously approved, such protocols shall be submitted to the Secretary in writing at least thirty (30) days prior to any testing and shall contain the information set forth by the Secretary. In addition, the permittee shall notify the Secretary at least fifteen (15) days prior to any testing so the Secretary may have the opportunity to observe such tests. This notification shall include the actual date and time during which the test will be conducted and, if appropriate, verification that the tests will fully conform to a referenced protocol previously approved by the Secretary.
- d. The permittee shall submit a report of the results of the stack test within 60 days of completion of the test. The test report shall provide the information necessary to document the objectives of the test and to determine whether proper procedures were used to accomplish these objectives. The report shall include the following: the certification described in paragraph 3.5.1; a statement of compliance status, also signed by a responsible official; and, a summary of conditions which form the basis for the compliance status evaluation. The summary of conditions shall include the following:
 1. The permit or rule evaluated, with the citation number and language.
 2. The result of the test for each permit or rule condition.
 3. A statement of compliance or non-compliance with each permit or rule condition.

[WV Code §§ 22-5-4(a)(14-15) and 45CSR13]

3.4. Recordkeeping Requirements

- 3.4.1. **Monitoring information.** The permittee shall keep records of monitoring information that include the following:
 - a. The date, place as defined in this permit and time of sampling or measurements;
 - b. The date(s) analyses were performed;
 - c. The company or entity that performed the analyses;
 - d. The analytical techniques or methods used;
 - e. The results of the analyses; and
 - f. The operating conditions existing at the time of sampling or measurement.

[45CSR§30-5.1.c.2.A.; 45CSR13, R13-2892, 4.1.1.]

- 3.4.2. **Retention of records.** The permittee shall retain records of all required monitoring data and support information for a period of at least five (5) years from the date of monitoring sample, measurement, report, application, or record creation date. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit. Where appropriate, records may be maintained in computerized form in lieu of the above records.

[45CSR§30-5.1.c.2.B.]

- 3.4.3. **Odors.** For the purposes of 45CSR4, the permittee shall maintain a record of all odor complaints received, any investigation performed in response to such a complaint, and any responsive action(s) taken.

[45CSR§30-5.1.c. State-Enforceable only.]

- 3.4.4. **Record of Malfunctions of Air Pollution Control Equipment.** For all air pollution control equipment listed in Section 1.1, the permittee shall maintain records of the occurrence and duration of any malfunction or operational shutdown of the air pollution control equipment during which excess emissions occur. For each such case, the following information shall be recorded:

- a. The equipment involved.
- b. Steps taken to minimize emissions during the event.
- c. The duration of the event.
- d. The estimated increase in emissions during the event.

For each such case associated with an equipment malfunction, the additional information shall also be recorded:

- e. The cause of the malfunction.
- f. Steps taken to correct the malfunction.
- g. Any changes or modifications to equipment or procedures that would help prevent future recurrences of the malfunction.

[45CSR13, R13-2892, 4.1.4.]

3.5. Reporting Requirements

- 3.5.1. **Responsible official.** Any application form, report, or compliance certification required by this permit to be submitted to the DAQ and/or USEPA shall contain a certification by the responsible official that states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.

[45CSR§§30-4.4. and 5.1.c.3.D.]

- 3.5.2. A permittee may request confidential treatment for the submission of reporting required under 45CSR§30-5.1.c.3. pursuant to the limitations and procedures of W.Va. Code § 22-5-10 and 45CSR31.

[45CSR§30-5.1.c.3.E.]

- 3.5.3. Except for the electronic submittal of the annual certification to the USEPA as required in 3.5.5 below, all notices, requests, demands, submissions and other communications required or permitted to be made to the Secretary of DEP and/or USEPA shall be made in writing and shall be deemed to have been duly given when delivered by hand, mailed first class or by private carrier with postage prepaid to the address(es) set forth below or to such other person or address as the Secretary of the Department of Environmental Protection may designate:

If to the DAQ:

Director
WVDEP
Division of Air Quality
601 57th Street SE
Charleston, WV 25304

Phone: 304/926-0475
FAX: 304/926-0478

If to the US EPA:

Associate Director
Office of Air Enforcement and Compliance
Assistance (3AP20)
U. S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

- 3.5.4. **Certified emissions statement.** The permittee shall submit a certified emissions statement and pay fees on an annual basis in accordance with the submittal requirements of the Division of Air Quality.
[45CSR§30-8.]
- 3.5.5. **Compliance certification.** The permittee shall certify compliance with the conditions of this permit on the forms provided by the DAQ. In addition to the annual compliance certification, the permittee may be required to submit certifications more frequently under an applicable requirement of this permit. The annual certification shall be submitted to the DAQ and USEPA on or before March 15 of each year, and shall certify compliance for the period ending December 31. The annual certification to the USEPA shall be submitted in electronic format only. It shall be submitted by e-mail to the following address: R3_APD_Permits@epa.gov. The permittee shall maintain a copy of the certification on site for five (5) years from submittal of the certification.
[45CSR§30-5.3.e.]
- 3.5.6. **Semi-annual monitoring reports.** The permittee shall submit reports of any required monitoring on or before September 15 for the reporting period January 1 to June 30 and on or before March 15 for the reporting period July 1 to December 31. All instances of deviation from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with 45CSR§30-4.4.
[45CSR§30-5.1.c.3.A.]
- 3.5.7. **Emergencies.** For reporting emergency situations, refer to Section 2.17 of this permit.

3.5.8. Deviations.

- a. In addition to monitoring reports required by this permit, the permittee shall promptly submit supplemental reports and notices in accordance with the following:
 1. Any deviation resulting from an emergency or upset condition, as defined in 45CSR§30-5.7., shall be reported by telephone or telefax within one (1) working day of the date on which the permittee becomes aware of the deviation, if the permittee desires to assert the affirmative defense in accordance with 45CSR§30-5.7. A written report of such deviation, which shall include the probable cause of such deviations, and any corrective actions or preventative measures taken, shall be submitted and certified by a responsible official within ten (10) days of the deviation.
 2. Any deviation that poses an imminent and substantial danger to public health, safety, or the environment shall be reported to the Secretary immediately by telephone or telefax. A written report of such deviation, which shall include the probable cause of such deviation, and any corrective actions or preventative measures taken, shall be submitted by the responsible official within ten (10) days of the deviation.
 3. Deviations for which more frequent reporting is required under this permit shall be reported on the more frequent basis.
 4. All reports of deviations shall identify the probable cause of the deviation and any corrective actions or preventative measures taken.

[45CSR§30-5.1.c.3.C.]

- b. The permittee shall, in the reporting of deviations from permit requirements, including those attributable to upset conditions as defined in this permit, report the probable cause of such deviations and any corrective actions or preventive measures taken in accordance with any rules of the Secretary.

[45CSR§30-5.1.c.3.B.]

- 3.5.9. **New applicable requirements.** If any applicable requirement is promulgated during the term of this permit, the permittee will meet such requirements on a timely basis, or in accordance with a more detailed schedule if required by the applicable requirement.

[45CSR§30-4.3.h.1.B.]

3.6. Compliance Plan

- 3.6.1. Reserved.

3.7. Permit Shield

- 3.7.1. The permittee is hereby granted a permit shield in accordance with 45CSR§30-5.6. The permit shield applies provided the permittee operates in accordance with the information contained within this permit.

- 3.7.2. The following requirements specifically identified are not applicable to the source based on the determinations set forth below. The permit shield shall apply to the following requirements provided the conditions of the determinations are met.
- a. **45CSR14 – Permits for Construction and Major Modification of Major Stationary Sources for the Prevention of Significant Deterioration of Air Quality.** The facility permitted under R13-2892D, and incorporated into the initial Title V permit, is not subject to Prevention of Significant Deterioration (PSD) requirements as determined in the Engineering Evaluation for permit R13-2892D. Specifically, there is no significant increase or net increase for a pollutant that exceeds its significance threshold.
 - b. **45CSR19 – Permits for Construction and Major Modification of Major Stationary Sources which Cause or Contribute to Nonattainment Areas.** The Moundsville Fractionation Plant is located in Marshall County, which is a non-attainment county for PM_{2.5} (surrogate for NO_x and SO₂), therefore the Moundsville Fractionation Plant is potentially subject to 45CSR19. However, the facility is not subject to 45CSR19 as determined in the Engineering Evaluation for permit R13-2892D. Specifically, no potential to emit for a pollutant exceeds its significance threshold.
 - c. **45CSR21 – Control of VOC Emissions.** The facility is not located in Putnam, Kanawha, Cabell, Wayne, or Wood counties (45CSR§21-1.1.); therefore, this rule is not applicable.
 - d. **45CSR27 – Control of TAP Emissions.** This rule applies to chemical processing units (45CSR§27-3.1.). The definition of “Chemical Processing Unit” excludes equipment used in the production and distribution of petroleum products providing that such equipment does not produce or contact materials containing more than 5% benzene by weight (45CSR§27-2.4.). Based upon the information provided in the application and in August 31, 2015, technical correspondence from the permittee, the facility does not utilize an assembly of reactors, tanks, distillation columns, heat exchangers, vaporizers, compressors, dryers, decanters, and/or other equipment used to treat, store, manufacture, or use toxic air pollutants. Further, there are no “chemical processing units” at the Moundsville Fractionation Plant because the equipment does not produce or contact materials containing more than 5% benzene by weight. For these reasons, 45CSR27 is not applicable to the Moundsville Fractionation Plant.
 - e. **40 C.F.R. 60 Subpart D – Standards of Performance for Fossil-Fuel-Fired Steam Generators.** There is no fossil-fuel-fired steam generating unit greater than 250 MMBtu/hr (40 C.F.R. §60.40(a)(1)) at the site; therefore, this regulation is not applicable.
 - f. **40 C.F.R. 60 Subpart Da – Standards of Performance for Electric Utility Steam Generating Units.** There is no electric utility steam generating unit greater than 250 MMBtu/hr (40 C.F.R. §60.40Da(a)(1)) at the site; therefore, this regulation is not applicable.
 - g. **40 C.F.R. 60 Subpart Db – Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units.** There is no steam generating unit greater than 100 MMBtu/hr (40 C.F.R. §60.40b(a)) at the site; therefore, this regulation is not applicable.
 - h. **40 C.F.R. 60 Subpart K – Standards of Performance for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978.** There is no tank at the facility that was constructed before May 19, 1978 (40 C.F.R. §60.110(c)); therefore, this regulation is not applicable.

- i. **40 C.F.R. 60 Subpart Ka – Standards of Performance for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984.** There is no tank at the facility that was constructed before July 23, 1984 (40 C.F.R. §60.110a(a)); therefore, this regulation is not applicable.
- j. **40 C.F.R. 60 Subpart GG – Standards of Performance for Stationary Gas Turbines.** There is no stationary gas turbine at the facility (40 C.F.R. §60.330(a)); therefore, this regulation is not applicable.
- k. **40 C.F.R. 60 Subpart KKK – Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants.** 40 C.F.R. 60 Subpart KKK applies to onshore natural gas processing plants that commenced construction after January 20, 1984 and on or before August 23, 2011. The modifications to the Moundsville Fractionation Plant approved in permits R13-2892C and R13-2892D occurred after August 23, 2011. The permittee will be required to meet the LDAR requirements of Subpart OOOO for natural gas processing facilities. Therefore, the permittee will no longer be subject to 40 C.F.R. 60 Subpart KKK and will be subject to 40 C.F.R. 60 Subpart OOOO.
- l. **40 C.F.R. 60 Subpart LLL – Standards of Performance for SO₂ Emissions From Onshore Natural Gas Processing for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011.** There is no sweetening unit at the facility (40 C.F.R. §60.640(a)); therefore, this regulation is not applicable.
- m. **40 C.F.R. 60 Subpart IIII – Standards of Performance for Stationary Compression Ignition Internal Combustion Engines.** There is no compression ignition engine at the facility (40 C.F.R. §60.4200(a)); therefore, this regulation is not applicable.
- n. **40 C.F.R. 60 Subpart KKKK – Standards of Performance for Stationary Combustion Turbines.** There is no stationary combustion turbine at the facility (40 C.F.R. §60.4305(a)); therefore, this regulation is not applicable.
- o. **40 C.F.R. 63 Subpart HH – National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities.** This facility that is an area source of HAP and there is no triethylene glycol (TEG) dehydration unit (40 C.F.R. §63.760(b)(2)); therefore, this regulation is not applicable.
- p. **40 C.F.R. 63 Subpart HHH – National Emission Standards for Hazardous Air Pollutants From Natural Gas Transmission and Storage Facilities.** There are no natural gas transmission and storage facilities that transport or store natural gas prior to entering the pipeline to a local distribution company or to a final end user. Further, the facility is an area source of HAP (40 C.F.R. §63.1270(a)). Therefore, this regulation is not applicable.
- q. **40 C.F.R. 63 Subpart YYYY – National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines.** There is no stationary combustion turbine at the facility (40 C.F.R. §63.6080(a) and 63.6085); therefore, this regulation is not applicable.
- r. **40 C.F.R. 63 Subpart DDDDD – National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters.** The facility is an area source of HAP (40 C.F.R. §63.7480); therefore, this regulation is not applicable.

- s. **40 C.F.R. 63 Subpart JJJJJJ – National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources.** There are only gas-fired boilers at the facility which are not subject to requirements of this regulation (40 C.F.R. §63.11195(e)); therefore, this regulation is not applicable.
- t. **40 C.F.R. Part 64 – Compliance Assurance Monitoring (CAM).** Although there are potential pollutant specific emission units subject to an emissions limitation, and a control device (i.e., Process Flare FL-02) is used to achieve compliance, the potential pre-control emissions of each pollutant from the source do not exceed the respective major source thresholds (40 C.F.R. §64.2(a)(3)). Therefore, CAM is not applicable.

4.0 Hot Oil Heaters 1-HTR and 2-HTR [emission point IDs: 1E, 2E]

4.1. Limitations and Standards

- 4.1.1. Maximum Design Heat Input. The maximum design heat input for the Hot Oil Heater (1E) shall not exceed 45.54 MMBTU/hr.

[45CSR13, R13-2892, 5.1.1.]

- 4.1.2. Maximum emissions from the 45.54 MMBTU/hr Hot Oil Heater (1E) shall not exceed the following limits:

Pollutant	Maximum Hourly Emissions (lb/hr)	Maximum Annual Emissions (ton/year)
Nitrogen Oxides	4.51	19.76
Carbon Monoxide	3.79	16.60
Volatile Organic Compounds	0.25	1.09

[45CSR13, R13-2892, 5.1.2.]

- 4.1.3. The hourly quantity of natural gas that shall be consumed in the 45.54 MMBTU/hr Hot Oil Heater (1E) shall not exceed 45,098 standard cubic feet per hour.

[45CSR13, R13-2892, 5.1.3.]

- 4.1.4. The annual quantity of natural gas that shall be consumed in the 45.54 MMBTU/hr Hot Oil Heater (1E) shall not exceed 395.06×10^6 standard cubic feet per year.

[45CSR13, R13-2892, 5.1.4.]

- 4.1.5. Maximum Design Heat Input. The maximum design heat input for each of the two (2) Hot Oil Heaters (2E) shall not exceed 89.85 MMBTU/hr.

[45CSR13, R13-2892, 5.1.5.]

- 4.1.6. Maximum emissions from the two (2) 89.85 MMBTU/hr Hot Oil Heaters (2E) shall not exceed the following limits:

Pollutant	Maximum Hourly Emissions (lb/hr) EACH UNIT	Maximum Annual Emissions (ton/year) BOTH UNITS COMBINED
Nitrogen Oxides	3.23	17.03
Carbon Monoxide	6.65	35.00
Volatile Organic Compounds	0.36	1.89

[45CSR13, R13-2892, 5.1.6.]

- 4.1.7. The hourly quantity of natural gas that shall be consumed in each of the two (2) 89.85 MMBTU/hr Hot Oil Heaters (2E) shall not exceed 90,392 standard cubic feet per hour.
[45CSR13, R13-2892, 5.1.7.]
- 4.1.8. The annual quantity of natural gas that shall be consumed in both of the two (2) 89.85 MMBTU/hr Hot Oil Heaters (2E) shall not exceed 952×10^6 standard cubic feet per year.
[45CSR13, R13-2892, 5.1.8.]
- 4.1.9. No person shall cause, suffer, allow or permit emission of smoke and/or particulate matter into the open air from any fuel burning unit which is greater than ten (10) percent opacity based on a six minute block average.
[45CSR13, R13-2892, 5.1.9.; 45CSR§2-3.1.]
- 4.1.10. The permitted facility shall comply with all applicable provisions of 40 C.F.R. 60 Subpart Dc, provided that compliance with any more stringent limitation set forth under this permit shall also be demonstrated. Recordkeeping and reporting requirements shall be conducted in accordance with 40 C.F.R. §60.48c. These reports shall be submitted in accordance with the time lines and in the order set forth in 40 C.F.R. §60.48c and submitted to the addresses listed in condition 3.5.3.
[45CSR13, R13-2892, 5.1.10.; 45CSR16]
- 4.1.11. No person shall cause, suffer, allow or permit the discharge of particulate matter into the open air from all fuel burning units located at one plant, measured in terms of pounds per hour in excess of the amount determined as follows:

For Type 'b' fuel burning units, the product of 0.09 and the total design heat inputs for such units in million B.T.U.'s per hour, provided however that no more than six hundred (600) pounds per hour of particulate matter shall be discharged into the open air from all such units.

Total Allowable PM Emission Rate for 1-HTR (1E) and 2-HTR (2E) = ...

$$\dots (0.09) \times [45.54 \text{ MMBTU/hr} + (89.85 \text{ MMBTU/hr/unit}) \times (2 \text{ units})] = 20.3 \text{ lb/hr}$$

[45CSR§2-4.1.b.]

- 4.1.12. Total Allowable Emission Rates for Similar Units in Priority I and Priority II Regions -- No person shall cause, suffer, allow or permit the discharge of sulfur dioxide into the open air from all stacks located at one plant, measured in terms of pounds per hour, in excess of the amount determined as follows:

For Type 'b' and Type 'c' fuel burning units, the product of 3.1 and the total design heat inputs for such units discharging through those stacks in million BTU's per hour.

Total Allowable SO₂ Emission Rate for 1-HTR (1E) and 2-HTR (2E) = ...

$$\dots (3.1) \times [45.54 \text{ MMBTU/hr} + (89.85 \text{ MMBTU/hr/unit}) \times (2 \text{ units})] = 698 \text{ lb/hr}$$

[45CSR§10-3.1.e.]

4.2. Monitoring Requirements

- 4.2.1. At such reasonable times as the Secretary may designate, the permittee shall conduct Method 9 emission observations for the purpose of demonstrating compliance with condition 4.1.9. Method 9 shall be conducted in accordance with 40 C.F.R. 60 Appendix A.
[45CSR13, R13-2892, 5.2.1.]

4.3. Testing Requirements

- 4.3.1. Compliance with the visible emission requirements of condition 4.1.9 shall be determined in accordance with 40 C.F.R. Part 60, Appendix A, Method 9 or by using measurements from continuous opacity monitoring systems approved by the Director. The Director may require the installation, calibration, maintenance and operation of continuous opacity monitoring systems and may establish policies for the evaluation of continuous opacity monitoring results and the determination of compliance with the visible emission requirements of condition 4.1.9. Continuous opacity monitors shall not be required on fuel burning units which employ wet scrubbing systems for emission control.
[45CSR13, R13-2892, 5.3.1.; 45CSR§2-3.2.]

- 4.3.2. At such reasonable times as the Director may designate, the owner or operator of any fuel burning unit(s) may be required to conduct or have conducted tests to determine the compliance of such unit(s) with the emission limitations of section 4 (condition 4.1.11.). Such tests shall be conducted in accordance with the appropriate method set forth in the Appendix to this rule or other equivalent EPA approved method approved by the Director. The Director, or his duly authorized representative, may at his option witness or conduct such tests. Should the Director exercise his option to conduct such tests, the operator will provide all necessary sampling connections and sampling ports located in such manner as the Director may require, power for test equipment, and the required safety equipment such as scaffolding, railings and ladders to comply with generally accepted good safety practices.

The Director, or his duly authorized representative, may conduct such other tests as he may deem necessary to evaluate air pollution emissions other than those noted in 45CSR§2-4.1. (condition 4.1.11.).

[45CSR§§2-8.1.b. and 8.1.c.]

4.4. Recordkeeping Requirements

- 4.4.1. To demonstrate compliance with conditions 4.1.1-4.1.8, the permittee shall maintain a monthly record of the amount of natural gas consumed in the 45.54 MMBTU/hr Hot Oil Heater (1E) and the two (2) 89.85 MMBTU/hr Hot Oil Heaters (2E). The permittee shall maintain records of the date and time of fuel burning unit start-up and shutdown. Compliance with the maximum throughput limitation shall be determined using a twelve month rolling total. A twelve month rolling total shall mean the sum of the monthly throughput at any given time during the previous twelve consecutive calendar months. Said records shall be maintained on site or in a readily accessible off-site location maintained by the permittee for a period of five (5) years. Said records shall be readily available to the Director of the Division of Air Quality or his/her duly authorized representative for expeditious inspection and review. Any records submitted to the agency pursuant to a requirement of this permit or upon request by the Director shall be certified by a responsible official.
[45CSR13, R13-2892, 5.4.1.; 45CSR§2-8.3.c.; 45CSR§2A-7.1.a.1.]

- 4.4.2. Except as provided under paragraphs (g)(2) and (g)(3) of §60.48c (conditions 4.4.3. and 4.4.4., respectively), the owner or operator of each affected facility shall record and maintain records of the amount of each fuel combusted during each operating day.
[45CSR13, R13-2892, 5.4.2.; 40 C.F.R. §60.48c(g)(1); 45CSR16]
- 4.4.3. As an alternative to meeting the requirements of paragraph (g)(1) of §60.48c (condition 4.4.2.), the owner or operator of an affected facility that combusts only natural gas, wood, fuels using fuel certification in 40 C.F.R. §60.48c(f) to demonstrate compliance with the SO₂ standard, fuels not subject to an emissions standard (excluding opacity), or a mixture of these fuels may elect to record and maintain records of the amount of each fuel combusted during each calendar month.
[45CSR13, R13-2892, 5.4.3.; 40 C.F.R. §60.48c(g)(2); 45CSR16]
- 4.4.4. As an alternative to meeting the requirements of paragraph (g)(1) of §60.48c (condition 4.4.2.), the owner or operator of an affected facility or multiple affected facilities located on a contiguous property unit where the only fuels combusted in any steam generating unit (including steam generating units not subject to 40 C.F.R. 60 Subpart Dc) at that property are natural gas, wood, distillate oil meeting the most current requirements in 40 C.F.R. §60.42c to use fuel certification to demonstrate compliance with the SO₂ standard, and/or fuels, excluding coal and residual oil, not subject to an emissions standard (excluding opacity) may elect to record and maintain records of the total amount of each steam generating unit fuel delivered to that property during each calendar month.
[45CSR13, R13-2892, 5.4.4.; 40 C.F.R. §60.48c(g)(3); 45CSR16]
- 4.4.5. All records required under 40 C.F.R. §60.48c (conditions 4.4.2., 4.4.3., and 4.4.4.) shall be maintained by the owner or operator of the affected facility for a period of two years following the date of such record.
[40 C.F.R. §60.48c(i); 45CSR16]

4.5. Reporting Requirements

- 4.5.1. The owner or operator of each affected facility shall submit notification of the date of construction or reconstruction and actual startup, as provided by §60.7 of this part. This notification shall include:
1. The design heat input capacity of the affected facility and identification of fuels to be combusted in the affected facility.
 2. If applicable, a copy of any federally enforceable requirement that limits the annual capacity factor for any fuel or mixture of fuels under 40 C.F.R. §60.42c, or §60.43c.
 3. The annual capacity factor at which the owner or operator anticipates operating the affected facility based on all fuels fired and based on each individual fuel fired.
 4. Notification if an emerging technology will be used for controlling SO₂ emissions. The Administrator will examine the description of the control device and will determine whether the technology qualifies as an emerging technology. In making this determination, the Administrator may require the owner or operator of the affected facility to submit additional information concerning the control device. The affected facility is subject to the provisions of 40 C.F.R. §§60.42c(a) or (b)(1), unless and until this determination is made by the Administrator.

[45CSR13, R13-2892, 5.5.1.; 40 C.F.R. §60.48c(a); 45CSR16]

- 4.5.2. The reporting period for the reports required under 40 C.F.R. 60 Subpart Dc is each six-month period. All reports shall be submitted to the Administrator and shall be postmarked by the 30th day following the end of the reporting period.

[45CSR13, R13-2892, 5.5.2.; 40 C.F.R. §60.48c(j); 45CSR16]

4.6. Compliance Plan

- 4.6.1. Reserved.

5.0 Flare Control Device FL-02 (5S) [emission point ID: 5E]

5.1. Limitations and Standards

- 5.1.1. In accordance with information in permit application R13-2892D, the permittee shall install and operate a Flare (5S) designed to achieve, at a minimum, a 99.0% destruction and removal efficiency (DRE) of VOCs and organic HAPS from the following sources:

Stabilized Condensate Hose Blowdown;

Product Loading/Hose Blowdown;

Natural Gasoline Tanks w/Butane Blankets;

NGL Pig Receiver Blowdowns (250 Events/year);

Hot Oil Expansion Tanks (Fuel/Purge Gas);

Rail Car Degassing (50% C3/C4 + 50% Natural Gasoline);

Off-Spec Product Flaring (Inlet NGL);

Continuous Flare Purge (Fuel/Purge Gas); and

Continuous Flare Pilot (Fuel/Purge Gas).

[45CSR13, R13-2892, 6.1.1.]

- 5.1.2. The maximum aggregate emissions generated at the Flare (5S) from the combustion of waste gases and the pilot light shall not exceed the following limits:

Pollutant	Maximum Hourly Emissions (lb/hr)	Maximum Annual Emissions (ton/year)
Nitrogen Oxides	85.56	42.31
Carbon Monoxide	170.81	84.46

[45CSR13, R13-2892, 6.1.2.]

- 5.1.3. The maximum emissions of VOCs and HAPs at the flare (representing un-combusted pass-through organic vapors that are generated at one of the sources identified under condition 5.1.1.) shall not exceed the following limits:

Pollutant	Maximum Hourly Emissions (lb/hr)	Maximum Annual Emissions (ton/year)
VOCs	280.00	140.06
Benzene	0.19	0.10
Ethylbenzene	0.09	0.05
n-Hexane	11.23	5.83
Toluene	0.52	0.27
2,2,4-TMP	0.39	0.20
Xylenes	1.86	0.96
Total HAPs	14.32	7.43

[45CSR13, R13-2892, 6.1.3.]

- 5.1.4. The maximum aggregate amount of waste gases sent to the Flare (5S) from the sources identified under condition 5.1.1. shall not exceed 192.66 mmscf/yr.
[45CSR13, R13-2892, 6.1.4.]

- 5.1.5. The installed Flare (5S) shall be a Zeeco Model Number AFTA-24/56, shall have a maximum waste-gas capacity of 28,000 lb/hr, shall have an MDHI of 620 mmBtu/hr, and shall be designed and operated in accordance with the following:

- a. Flare shall be air-assisted.
- b. Flare shall be designed for and operated with no visible emissions, except for periods not to exceed a total of 5 minutes during any 2 consecutive hours.

Note: Compliance with the no visible emissions requirement in condition 5.1.5.b. ensures compliance with the applicable opacity and visible emissions requirements in 45CSR§§6-4.3., 4.4., and 4.5.

- c. Flare shall be operated, with a flame present at all times whenever emissions may be vented to them, except during SSM (Startup, Shutdown, Malfunctions) events.

- d. A flare shall be used only where the net heating value of the gas being combusted is 11.2 MJ/scm (300 Btu/scf) or greater if the flare is steam-assisted or air-assisted; or where the net heating value of the gas being combusted is 7.45 MJ/scm (200 Btu/scf) or greater if the flare is non-assisted. The net heating value of the gas being combusted in a flare shall be calculated using the following equation:

$$H_T = K \sum_{i=1}^n C_i H_i$$

Where:

H_T = Net heating value of the sample, MJ/scm; where the net enthalpy per mole of off gas is based on combustion at 25 °C and 760 mm Hg, but the standard temperature for determining the volume corresponding to one mole is 20 °C.

K = Constant =

$$1.740 \times 10^{-7} \left(\frac{1}{ppmv} \right) \left(\frac{\text{g-mole}}{\text{scm}} \right) \left(\frac{\text{MJ}}{\text{kcal}} \right)$$

where the standard temperature for (g-mole/scm) is 20 °C.

C_i = Concentration of sample component i in ppmv on a wet basis, which may be measured for organics by Test Method 18, but is not required to be measured using Method 18 (unless designated by the Director).

H_i = Net heat of combustion of sample component i , kcal/g-mole at 25 °C and 760 mm Hg. The heats of combustion may be determined using ASTM D2382-76 or 88 or D4809-95 if published values are not available or cannot be calculated.

n = Number of sample components.

- e. Air-assisted flares shall be designed and operated with an exit velocity less than the velocity V_{\max} . The maximum permitted velocity, V_{\max} , for air-assisted flares shall be determined by the following equation:

$$V_{\max} = 8.71 + 0.708(H_T)$$

Where:

V_{\max} = Maximum permitted velocity, m/sec.

8.71 = Constant.

0.708 = Constant.

H_T = The net heating value as determined in 5.1.5.d.

- f. The flare shall be operated within the guidelines given in the Zeeco Operating Manual and a copy of which shall be kept permanently on-site and shall be made available upon request to the Director or his/her representative.

[45CSR13, R13-2892, 6.1.5.; 45CSR§§6-4.3., 4.4., and 4.5.]

- 5.1.6. The permittee is not required to conduct a flare compliance assessment for concentration of sample (i.e. Method 18) and tip velocity (i.e. Method 2) until such time as the Director requests a flare compliance assessment to be conducted in accordance with section 5.3.2, but the permittee is required to conduct a flare design evaluation in accordance with section 5.4.2. Alternatively, the permittee may elect to demonstrate compliance with the flare design criteria requirements of section 5.1.5. by complying with the compliance assessment testing requirements of section 5.3.2.

[45CSR13, R13-2892, 6.1.6.]

- 5.1.7. No person shall cause or allow particulate matter to be discharged from any incinerator into the open air in excess of the quantity determined by use of the following formula:

$$\text{Emissions (lb/hr)} = F \times \text{Incinerator Capacity (tons/hr)}$$

Where, the Factor, F, is as indicated in Table I below:

Table I: Factor, F, for Determining Maximum Allowable Particulate Emissions.

Incinerator Capacity	Factor F
A. Less than 15,000 lb/hr	5.43
B. 15,000 lbs/hr or greater	2.72

$$\text{Emissions (lb/hr)} = (2.72) \times (28,000 \text{ lb/hr}) / (2,000 \text{ lb/ton})$$

$$\text{Emissions (lb/hr)} = 38.1 \text{ lb/hr}$$

[45CSR§6-4.1.]

- 5.1.8. Incinerators, including all associated equipment and grounds, shall be designed, operated and maintained so as to prevent the emission of objectionable odors.

[45CSR§6-4.6.]

5.2. Monitoring Requirements

- 5.2.1. In order to demonstrate compliance with the requirements of condition 5.1.5.c, the permittee shall monitor the presence or absence of a flare pilot flame using a thermocouple or any other equivalent device, except during SSM events.

[45CSR13, R13-2892, 6.2.1.]

- 5.2.2. In order to determine compliance with the condition 5.1.4., the permittee shall monitor and record the monthly and rolling twelve (12) month total aggregate waste gases sent to the flare (in mmscf) from the sources identified under condition 5.1.1.

[45CSR13, R13-2892, 6.2.2.]

5.3. Testing Requirements

- 5.3.1. In order to demonstrate compliance with the flare opacity requirements of condition 5.1.5.b. the permittee shall conduct a Method 22 opacity test for at least two hours. This test shall demonstrate no visible emissions are observed for more than a total of 5 minutes during any 2 consecutive hour period using 40 C.F.R. 60 Appendix A Method 22. The permittee shall conduct this test within one (1) year of permit issuance or initial startup whichever is later. The visible emission checks shall determine the presence or absence of visible emissions. At a minimum, the observer must be trained and knowledgeable regarding the effects of background contrast, ambient lighting, observer position relative to lighting, wind, and the presence of uncombined water (condensing water vapor) on the visibility of emissions. This training may be obtained from written materials found in the References 1 and 2 from 40 C.F.R. Part 60, appendix A, Method 22.

[45CSR13, R13-2892, 6.3.1.]

- 5.3.2. The Director may require the permittee to conduct a flare compliance assessment to demonstrate compliance with condition 5.1.5. This compliance assessment testing shall be conducted in accordance with appropriate test methods or other equivalent testing as approved in writing by the Director.

[45CSR13, R13-2892, 6.3.2.]

- 5.3.3. At such reasonable times as the Secretary may designate, the operator of any incinerator shall be required to conduct or have conducted stack tests to determine the particulate matter loading (condition 5.1.7.), by using 40 CFR Part 60, Appendix A, Method 5 or other equivalent U.S. EPA approved method approved by the Secretary, in exhaust gases. Such tests shall be conducted in such manner as the Secretary may specify and be filed on forms and in a manner acceptable to the Secretary. The Secretary may, at the Secretary's option, witness or conduct such stack tests. Should the Secretary exercise his or her option to conduct such tests, the operator will provide all the necessary sampling connections and sampling ports to be located in such manner as the Secretary may require, power for test equipment and the required safety equipment such as scaffolding, railings and ladders to comply with generally accepted good safety practices.

The Secretary may conduct such other tests as the Secretary may deem necessary to evaluate air pollution emissions other than those noted above.

[45CSR§§6-7.1. and 7.2.]

5.4. Recordkeeping Requirements

- 5.4.1. For the purpose of demonstrating compliance with conditions 5.1.5.c and 5.2.1, the permittee shall maintain records of the times and duration of all periods which the pilot flame was absent.

[45CSR13, R13-2892, 6.4.1.]

- 5.4.2. For the purpose of demonstrating compliance with conditions 5.1.5 and 5.3.2, the permittee shall maintain a record of the flare design evaluation. The flare design evaluation shall include, net heat value calculations, exit (tip) velocity calculations, and all supporting concentration calculations and other related information requested by the Director.

[45CSR13, R13-2892, 6.4.2.]

- 5.4.3. For the purpose of demonstrating compliance with the requirements set forth in condition 5.1.5, the permittee shall maintain records of testing conducted in accordance with condition 5.3.2.

[45CSR13, R13-2892, 6.4.3.]

- 5.4.4. The permittee shall document and maintain the corresponding records specified by the on-going monitoring requirements of 5.2.
[45CSR13, R13-2892, 6.4.4.]
- 5.4.5. For the purpose of demonstrating compliance with condition 5.1.5.b, the permittee shall maintain records of the visible emission opacity tests conducted per condition 5.3.1.
[45CSR13, R13-2892, 6.4.5.]
- 5.4.6. All records required under Sections 5.3. and 5.4. shall be maintained on site or in a readily accessible off-site location maintained by the permittee for a period of five (5) years. Said records shall be readily available to the Director of the Division of Air Quality or his/her duly authorized representative for expeditious inspection and review. Any records submitted to the agency pursuant to a requirement of this permit or upon request by the Director shall be certified by a responsible official.
[45CSR13, R13-2892, 6.4.6.]

5.5. Reporting Requirements

- 5.5.1. If permittee is required by the Director to demonstrate compliance with section 5.3.2, then the permittee shall submit a testing protocol at least thirty (30) days prior to testing and shall submit a notification of the testing date at least fifteen (15) days prior to testing. The permittee shall submit the testing results within sixty (60) days of testing and provide all supporting calculations and testing data.
[45CSR13, R13-2892, 6.5.1.]
- 5.5.2. Any deviation(s) from the allowable visible emission requirement for any emission source discovered during observations using 40 C.F.R. Part 60, Appendix A, Method 9 or 22 shall be reported in writing to the Director of the Division of Air Quality as soon as practicable, but in any case within ten (10) calendar days of the occurrence and shall include at least the following information: the results of the visible determination of opacity of emissions, the cause or suspected cause of the violation(s), and any corrective measures taken or planned.
[45CSR13, R13-2892, 6.5.2.]
- 5.5.3. Any deviation(s) from the flare design and operation criteria in condition 5.1.5. shall be reported in writing to the Director of the Division of Air Quality as soon as practicable, but in any case within ten (10) calendar days of discovery of such deviation.
[45CSR13, R13-2892, 6.5.3.]

5.6. Compliance Plan

- 5.6.1. Reserved.

6.0 40 C.F.R. 60 Subpart OOOO Requirements, Gas Processing Plants

6.1. Limitations and Standards

- 6.1.1. **Maximum Throughput Limitation.** The maximum NGL processed through the Fractionation Plant 1 (1S) shall not exceed 525,000 gallons per day and 191,625,000 gallons per year. The maximum NGL processed through the Fractionation Plant 2 (1S) shall not exceed 1,260,000 gallons per day and 459,900,000 gallons per year.

[45CSR13, R13-2892, 7.1.1.]

- 6.1.2. The Product Loading area (1S) at the Fractionating Processing Plant shall be operated in accordance with the plans and specifications filed in Permit Application R13-2892D. The rail and truck loading area will route all vapors to the flare for combustion.

[45CSR13, R13-2892, 7.1.2.]

- 6.1.3. Fugitive emissions of VOCs from equipment leaks at the facility, as calculated from emissions factors taken from Table 2-4 of EPA-453/R-95-017 - "Protocol for Equipment Leak Emission Estimates," shall not exceed 69.03 TPY. Continuing compliance with this limit shall be determined by the following: The permittee shall not exceed the number and type of components (valves, pump seals, connectors, etc.) in gas/vapor or light liquid (as applicable) listed in Attachment N of Permit Application R13-2892D.

[45CSR13, R13-2892, 7.1.3.]

- 6.1.4. What equipment leak standards apply to affected facilities at an onshore natural gas processing plant?

This section applies to the group of all equipment, except compressors, within a process unit.

- a. You must comply with the requirements of §§ 60.482-1a(a), (b), and (d), 60.482-2a, and 60.482-4a through 60.482-11a, except as provided in § 60.5401.
- b. You may elect to comply with the requirements of §§ 60.483-1a and 60.483-2a, as an alternative.
- c. You may apply to the Administrator for permission to use an alternative means of emission limitation that achieves a reduction in emissions of VOC at least equivalent to that achieved by the controls required in this subpart according to the requirements of § 60.5402 of this subpart.
- d. You must comply with the provisions of § 60.485a of this part except as provided in paragraph (f) of this section.
- e. You must comply with the provisions of §§ 60.486a and 60.487a of this part except as provided in §§ 60.5401, 60.5421, and 60.5422 of this part.
- f. You must use the following provision instead of § 60.485a(d)(1): Each piece of equipment is presumed to be in VOC service or in wet gas service unless an owner or operator demonstrates that the piece of equipment is not in VOC service or in wet gas service. For a piece of equipment to be considered not in VOC service, it must be determined that the VOC content can be reasonably expected never to exceed 10.0 percent by weight. For a piece of equipment to be considered in wet gas service, it must be determined that it contains or contacts the field gas before the extraction step in the process. For purposes of determining the percent VOC content of the process fluid that is contained in or contacts a piece of equipment, procedures that conform to the methods described in ASTM E169-93, E168-92, or E260-96 (incorporated by reference as specified in § 60.17) must be used.

[45CSR13, R13-2892, 7.1.4.; 40 C.F.R. §60.5400, Onshore Natural Gas Processing Plant; 45CSR16]

- 6.1.5. What are the exceptions to the equipment leak standards for affected facilities at onshore natural gas processing plants?
- a. You may comply with the following exceptions to the provisions of §§60.5400(a) and (b).
 - b.
 - 1. Each pressure relief device in gas/vapor service may be monitored quarterly and within 5 days after each pressure release to detect leaks by the methods specified in § 60.485a(b) except as provided in §60.5400(c) and in paragraph (b)(4) of this section, and §60.482-4a(a) through (c) of subpart VVa.
 - 2. If an instrument reading of 500 ppm or greater is measured, a leak is detected.
 - 3.
 - i. When a leak is detected, it must be repaired as soon as practicable, but no later than 15 calendar days after it is detected, except as provided in § 60.482-9a.
 - ii. A first attempt at repair must be made no later than 5 calendar days after each leak is detected.
 - 4.
 - i. Any pressure relief device that is located in a nonfractionating plant that is monitored only by non-plant personnel may be monitored after a pressure release the next time the monitoring personnel are on-site, instead of within 5 days as specified in paragraph (b)(1) of this section and § 60.482-4a(b)(1) of subpart VVa.
 - ii. No pressure relief device described in paragraph (b)(4)(i) of this section must be allowed to operate for more than 30 days after a pressure release without monitoring.
 - c. Sampling connection systems are exempt from the requirements of §60.482-5a.
 - d. Pumps in light liquid service, valves in gas/vapor and light liquid service, and pressure relief devices in gas/vapor service that are located at a nonfractionating plant that does not have the design capacity to process 283,200 standard cubic meters per day (scmd) (10 million standard cubic feet per day) or more of field gas are exempt from the routine monitoring requirements of §§ 60.482-2a(a)(1) and 60.482-7a(a), and paragraph (b)(1) of this section.
 - e. Pumps in light liquid service, valves in gas/vapor and light liquid service, and pressure relief devices in gas/vapor service within a process unit that is located in the Alaskan North Slope are exempt from the routine monitoring requirements of §§ 60.482-2a(a)(1), 60.482-7a(a), and paragraph (b)(1) of this section.
 - f. An owner or operator may use the following provisions instead of § 60.485a(e):
 - 1. Equipment is in heavy liquid service if the weight percent evaporated is 10 percent or less at 150 °C (302 °F) as determined by ASTM Method D86-96 (incorporated by reference as specified in § 60.17).
 - 2. Equipment is in light liquid service if the weight percent evaporated is greater than 10 percent at 150 °C (302 °F) as determined by ASTM Method D86-96 (incorporated by reference as specified in § 60.17).

- g. An owner or operator may use the following provisions instead of § 60.485a(b)(2): A calibration drift assessment shall be performed, at a minimum, at the end of each monitoring day. Check the instrument using the same calibration gas(es) that were used to calibrate the instrument before use. Follow the procedures specified in Method 21 of appendix A-7 of this part, Section 7.1, except do not adjust the meter readout to correspond to the calibration gas value. Record the instrument reading for each scale used as specified in § 60.486a(e)(8). Divide these readings by the initial calibration values for each scale and multiply by 100 to express the calibration drift as a percentage. If any calibration drift assessment shows a negative drift of more than 10 percent from the initial calibration value, then all equipment monitored since the last calibration with instrument readings below the appropriate leak definition and above the leak definition multiplied by (100 minus the percent of negative drift/divided by 100) must be re-monitored. If any calibration drift assessment shows a positive drift of more than 10 percent from the initial calibration value, then, at the owner/operator's discretion, all equipment since the last calibration with instrument readings above the appropriate leak definition and below the leak definition multiplied by (100 plus the percent of positive drift/divided by 100) may be re-monitored.

[45CSR13, R13-2892, 7.1.5.; 40 C.F.R. §60.5401, Onshore Natural Gas Processing Plant; 45CSR16]

- 6.1.6. What are the alternative emission limitations for equipment leaks from onshore natural gas processing plants?
- a. If, in the Administrator's judgment, an alternative means of emission limitation will achieve a reduction in VOC emissions at least equivalent to the reduction in VOC emissions achieved under any design, equipment, work practice or operational standard, the Administrator will publish, in the Federal Register, a notice permitting the use of that alternative means for the purpose of compliance with that standard. The notice may condition permission on requirements related to the operation and maintenance of the alternative means.
 - b. Any notice under paragraph (a) of this section must be published only after notice and an opportunity for a public hearing.
 - c. The Administrator will consider applications under this section from either owners or operators of affected facilities, or manufacturers of control equipment.
 - d. The Administrator will treat applications under this section according to the following criteria, except in cases where the Administrator concludes that other criteria are appropriate:
 1. The applicant must collect, verify and submit test data, covering a period of at least 12 months, necessary to support the finding in paragraph (a) of this section.
 2. If the applicant is an owner or operator of an affected facility, the applicant must commit in writing to operate and maintain the alternative means so as to achieve a reduction in VOC emissions at least equivalent to the reduction in VOC emissions achieved under the design, equipment, work practice or operational standard.

[45CSR13, R13-2892, 7.1.6.; 40 C.F.R. §60.5402, Onshore Natural Gas Processing Plant; 45CSR16]

- 6.1.7. The provisions for exemption from compliance during periods of startup, shutdown and malfunctions provided for in 40 C.F.R. §60.8(c) do not apply to 40 C.F.R. 60 Subpart OOOO.
[40 C.F.R. §60.5370(b); 45CSR16]

6.2. Monitoring Requirements

- 6.2.1. You must determine initial compliance with the standards for each affected facility using the requirements in paragraph (f) of this section. The initial compliance period begins on October 15, 2012 or upon initial startup, whichever is later, and ends no later than one year after the initial startup date for your affected facility or no later than one year after October 15, 2012. The initial compliance period may be less than one full year.

- f. For affected facilities at onshore natural gas processing plants, initial compliance with the VOC requirements is demonstrated if you are in compliance with the requirements of §60.5400 (condition 6.1.4.).

[45CSR13, R13-2892, 7.2.1.; 40 C.F.R. §§60.5410, 60.5410(f), and 60.5370(a); 45CSR16]

6.3. Testing Requirements

- 6.3.1. For affected facilities at onshore natural gas processing plants, continuous compliance with VOC requirements is demonstrated if you are in compliance with the requirements of §60.5400 (condition 6.1.4.).

[45CSR13, R13-2892, 7.3.1.; 40 C.F.R. §60.5415(f); 45CSR16]

6.4. Recordkeeping Requirements

- 6.4.1. What are my additional recordkeeping requirements for my affected facility subject to VOC requirements for onshore natural gas processing plants?

- a. You must comply with the requirements of paragraph (b) of this section in addition to the requirements of § 60.486a.
- b. The following recordkeeping requirements apply to pressure relief devices subject to the requirements of § 60.5401(b)(1) of this subpart.
 1. When each leak is detected as specified in § 60.5401(b)(2), a weatherproof and readily visible identification, marked with the equipment identification number, must be attached to the leaking equipment. The identification on the pressure relief device may be removed after it has been repaired.
 2. When each leak is detected as specified in § 60.5401(b)(2), the following information must be recorded in a log and shall be kept for 2 years in a readily accessible location:
 - i. The instrument and operator identification numbers and the equipment identification number.
 - ii. The date the leak was detected and the dates of each attempt to repair the leak.
 - iii. Repair methods applied in each attempt to repair the leak.
 - iv. "Above 500 ppm" if the maximum instrument reading measured by the methods specified in paragraph (a) of this section after each repair attempt is 500 ppm or greater.

- v. "Repair delayed" and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak.
- vi. The signature of the owner or operator (or designate) whose decision it was that repair could not be effected without a process shutdown.
- vii. The expected date of successful repair of the leak if a leak is not repaired within 15 days.
- viii. Dates of process unit shutdowns that occur while the equipment is unrepaired.
- ix. The date of successful repair of the leak.
- x. A list of identification numbers for equipment that are designated for no detectable emissions under the provisions of § 60.482-4a(a). The designation of equipment subject to the provisions of § 60.482-4a(a) must be signed by the owner or operator.

[45CSR13, R13-2892, 7.4.3.; 40 C.F.R. §60.5421, Onshore Natural Gas Processing Plant; 45CSR16]

- 6.4.2. To demonstrate compliance with condition 6.1.1 the permittee shall maintain records of the amount of liquids processed in the Product Loading Area (1S) at the Fractionation Processing Plant. Said records required shall be maintained on site or in a readily accessible off-site location maintained by the permittee for a period of five (5) years. Said records shall be readily available to the Director of the Division of Air Quality or his/her duly authorized representative for expeditious inspection and review. Any records submitted to the agency pursuant to a requirement of this permit or upon request by the Director shall be certified by a responsible official.

[45CSR13, R13-2892, 7.5.1.]

6.5. Reporting Requirements

- 6.5.1. You must submit the notifications required in §§60.7(a)(1) and (4), and according to the paragraph below, if you own or operate one or more of the affected facilities specified in §60.5365 that was constructed, modified, or reconstructed during the reporting period.

- (2) (i) If you own or operate a gas well affected facility, you must submit a notification to the Administrator no later than 2 days prior to the commencement of each well completion operation listing the anticipated date of the well completion operation. The notification shall include contact information for the owner or operator; the API well number, the latitude and longitude coordinates for each well in decimal degrees to an accuracy and precision of five (5) decimals of a degree using the North American Datum of 1983; and the planned date of the beginning of flowback. You may submit the notification in writing or in electronic format.

- (ii) If you are subject to state regulations that require advance notification of well completions and you have met those notification requirements, then you are considered to have met the advance notification requirements of paragraph (a)(2)(i) of §60.5420 (condition 6.5.1.(2)(i)).

[45CSR13, R13-2892, 7.4.1.; 40 C.F.R. §60.5420(a)(2); 45CSR16]

6.5.2. Reporting requirements. You must submit annual reports containing the information specified in paragraph (b)(1) of this section to the Administrator and performance test reports as specified in paragraph (b)(7) of this section. The initial annual report is due 30 days after the end of the initial compliance period as determined according to §60.5410. Subsequent annual reports are due on the same date each year as the initial annual report. If you own or operate more than one affected facility, you may submit one report for multiple affected facilities provided the report contains all of the information required as specified in paragraphs (b)(1) through (6) of this section. Annual reports may coincide with title V reports as long as all the required elements of the annual report are included. You may arrange with the Administrator a common schedule on which reports required by this part may be submitted as long as the schedule does not extend the reporting period.

(1) The general information specified in paragraphs (b)(1)(i) through (iv) of this section.

- (i) The company name and address of the affected facility.
- (ii) An identification of each affected facility being included in the annual report.
- (iii) Beginning and ending dates of the reporting period.
- (iv) A certification by a responsible official of truth, accuracy, and completeness. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

[45CSR13, R13-2892, 7.4.2.; 40 C.F.R. §60.5420(b)(1); 45CSR16]

6.5.3. What are my additional reporting requirements for my affected facility subject to VOC requirements for onshore natural gas processing plants?

- a. You must comply with the requirements of paragraphs (b) and (c) of this section in addition to the requirements of §§60.487a(a), (b), (c)(2)(i) through (iv), and (c)(2)(vii) through (viii).
- b. An owner or operator must include the following information in the initial semiannual report in addition to the information required in §60.487a(b)(1) through (4): Number of pressure relief devices subject to the requirements of §60.5401(b) except for those pressure relief devices designated for no detectable emissions under the provisions of §60.482-4a(a) and those pressure relief devices complying with §60.482-4a(c).
- c. An owner or operator must include the following information in all semiannual reports in addition to the information required in §§60.487a(c)(2)(i) through (vi):
 - 1. Number of pressure relief devices for which leaks were detected as required in §60.5401(b)(2); and
 - 2. Number of pressure relief devices for which leaks were not repaired as required in §60.5401(b)(3).

[45CSR13, R13-2892, 7.4.5.; 40 C.F.R. §60.5422, Onshore Natural Gas Processing Plant; 45CSR16]

6.6. Compliance Plan

6.6.1. Reserved.

7.0 Emergency Generator EG-1 (6S) [emission point ID: 6E]

7.1. Limitations and Standards

- 7.1.1. **Emission Limitations.** The registrant shall not cause, suffer, allow or permit emissions of NO_x and CO, from any registered reciprocating internal combustion engine to exceed the potential to emit (pounds per hour and tons per year) listed in the General Permit Registration.

Emission Unit	Pollutant	Maximum Hourly Emissions (lb/hr)	⁽¹⁾ Maximum Annual Emissions (tpy)
EG-1 (6S) Kohler 25REZG, Rich Burn Four Stroke, Liquid Propane Gas (49.2 HP; 36.7 kW)	Nitrogen Oxides (NO _x)	1.08	0.27
	Carbon Monoxide (CO)	41.98	10.49

⁽¹⁾ Based on operating the engine 500 hours per year.

[45CSR13, G60-C069 General Permit Registration, Emission Limitations; General Permit G60-C, Condition 5.1.2.]

- 7.1.2. The spark ignition engine 6S is registered under Class II General Permit G60-C (Appendix A) and is subject to Sections 1.0, 2.0, 3.0, and 4.0 of the General Permit.

The following sections of Class II General Permit G60-C (Appendix A) apply to 6S:

- Section 5 Reciprocating Internal Combustion Engines (R.I.C.E.) – Applicable substantive requirements are in General Permit G60-C conditions 5.1.1., 5.1.2., 5.1.3., 5.3.1., 5.4.1., and 5.5.1.
- Section 8 Standards of Performance for Stationary Spark Ignition Internal Combustion Engines (40 C.F.R. 60 Subpart JJJJ) – Applicable substantive requirements are in General Permit G60-C conditions 8.1.1.a.4., 8.2.3., 8.2.9., 8.3.4., 8.3.9., 8.4.1., 8.4.4., 8.6.1.a., and 8.6.1.b.

Note: Compliance with the applicable requirements of 40 C.F.R. 60 Subpart JJJJ in Section 8 of General Permit G60-C ensures compliance with 40 C.F.R. 63 Subpart ZZZZ in accordance with 40 C.F.R. §§63.6590(c) and (c)(1).

[45CSR13, G60-C069 General Permit Registration; 40 C.F.R. 60 Subpart JJJJ; 45CSR16; 40 C.F.R. §§63.6590(c) and (c)(1); 45CSR34]

- 7.1.3. **Maximum Fuel Consumption Limitation.** The maximum fuel consumption for any registered reciprocating internal combustion engine listed in the General Permit Registration application shall not exceed the fuel consumption recorded with registrant's Class II General Permit Registration Application (0.09 MMscf/yr) without effecting a modification or administrative update. Compliance with the Maximum Yearly Fuel Consumption Limitation shall be determined using a twelve month rolling total. A twelve month rolling total shall mean the sum of the fuel consumption at any given time during the previous twelve consecutive calendar months.
- [45CSR13, G60-C, 5.1.3.]

7.2. Monitoring Requirements

7.2.1. Reserved.

7.3. Testing Requirements

7.3.1. See Section 5.3.1. of Class II Emergency Generator General Permit G60-C (Appendix A).

7.4. Recordkeeping Requirements

7.4.1. Maintain monthly records of the amount of fuel consumed by the engine to demonstrate compliance with the hourly and annual emission limits in condition 7.1.1. Compliance with annual emission limits shall be based on a 12-month rolling total.
[45CSR13, G60-C, 5.4.1.; 45CSR§30-5.1.c.]

7.4.2. Maintain monthly records of the hours of operation of the engine to demonstrate compliance with the emissions and operating limitations in condition 7.1.1. Compliance with annual operating limitation shall be based on a 12-month rolling total.
[45CSR13, G60-C, 5.4.1.; 45CSR§30-5.1.c.]

7.4.3. See Sections 8.4.1., 8.6.1.a., and 8.6.1.b. of Class II Emergency Generator General Permit G60-C (Appendix A).

7.5. Reporting Requirements

7.5.1. See Section 5.5.1. of Class II Emergency Generator General Permit G60-C (Appendix A).

7.6. Compliance Plan

7.6.1. Reserved.

8.0 Natural Gasoline Storage Tanks V-2950 and V-2951 [emission point ID: 5E]

8.1. Limitations and Standards

8.1.1. Applicability and Designation of Affected Facility

- (1) Except as provided in paragraph (b) of §60.110b, the affected facility to which this subpart applies is each storage vessel with a capacity greater than or equal to 75 cubic meters (m^3) that is used to store volatile organic liquids (VOL) for which construction, reconstruction, or modification is commenced after July 23, 1984.
- (2) This subpart does not apply to storage vessels with a capacity greater than or equal to 151 m^3 storing a liquid with a maximum true vapor pressure less than 3.5 kilopascals (kPa) or with a capacity greater than or equal to 75 m^3 but less than 151 m^3 storing a liquid with a maximum true vapor pressure less than 15.0 kPa.
- (3) This subpart does not apply to the following: Pressure vessels designed to operate in excess of 204.9 kPa and without emissions to the atmosphere.

[45CSR13, R13-2892D, 8.1.1., 8.1.2., and 8.1.3.; 40 C.F.R. §§ 60.110b(a), 60.110b(b), and 60.110b(d)(2); 45CSR16]

- 8.1.2.** The owner or operator of each storage vessel with a design capacity greater than or equal to 75 m^3 which contains a VOL that, as stored, has a maximum true vapor pressure greater than or equal to 76.6 kPa shall equip each storage vessel with one of the following:

- (1) A closed vent system and control device as specified in §60.112b(a)(3).

§60.112b(a)(3): A closed vent system and control device meeting the following specifications:

- (i) The closed vent system shall be designed to collect all VOC vapors and gases discharged from the storage vessel and operated with no detectable emissions as indicated by an instrument reading of less than 500 ppm above background and visual inspections, as determined in part 60, subpart VV, §60.485(b).
- (ii) The control device shall be designed and operated to reduce inlet VOC emissions by 95 percent or greater. If a flare is used as the control device, it shall meet the specifications described in the general control device requirements (§60.18) of the General Provisions.

[40 C.F.R. §§ 60.112b(b), 60.112b(b)(1), 60.112b(a)(3), and 60.112b(a)(3)(i) and (ii); 45CSR16; 45CSR13, R13-2892D, 8.2.1.]

- 8.1.3.** The owner or operator of each source that is equipped with a closed vent system and a flare to meet the requirements in §60.112b(a)(3) shall meet the requirements as specified in the general control device requirements, §§60.18 (e) and (f). *Except for §60.18(f)(4), compliance with the requirements for flare FL-02 in permit conditions 5.1.5., 5.2.1., and 5.3.1. ensures compliance with general control device requirements in 40 C.F.R. §§ 60.18 (e) and (f). This condition incorporates by reference the applicable calculation methodology in §60.18(f)(4).*

[40 C.F.R. §§ 60.113b(d), 60.18(e), 60.18(f)(1)-(4), 60.18(f)(6); 45CSR16]

8.2. Monitoring Requirements

8.2.1. Reserved.

8.3. Testing Requirements

8.3.1. Reserved.

8.4. Recordkeeping Requirements

8.4.1. The owner or operator shall keep copies of all reports and records required by §60.115b (conditions 8.4.2. and 8.5.1.) for at least 2 years.

[40 C.F.R. §60.115b; 45CSR16; 45CSR13, R13-2892D, 8.4.1.]

8.4.2. After installing a closed vent system and flare to comply with 40 C.F.R. §60.112b (permit condition 8.1.2.), the owner or operator shall meet the following requirements.

(2) Records shall be kept of all periods of operation during which the flare pilot flame is absent.

[40 C.F.R. §60.115b(d)(2); 45CSR16]

8.4.3. The owner or operator of each storage vessel as specified in §60.110b(a) shall keep readily accessible records showing the dimension of the storage vessel and an analysis showing the capacity of the storage vessel. The record required by paragraph (b) of §60.116b will be kept for the life of the source.

[40 C.F.R. §§60.116b(b) and (a); 45CSR16; 45CSR13, R13-2892D, 8.5.1. and 8.5.2.]

8.5. Reporting Requirements

8.5.1. After installing a closed vent system and flare to comply with 40 C.F.R. §60.112b (permit condition 8.1.2.), the owner or operator shall meet the following requirements.

(1) A report containing the measurements required by 40 C.F.R. §60.18(f) (1), (2), (3), (4), and (6) shall be furnished to the Administrator as required by 40 C.F.R. §60.8 of the General Provisions. This report shall be submitted within 6 months of the initial start-up date.

(3) Semiannual reports of all periods recorded under 40 C.F.R. §60.115b(d)(2) (permit condition 8.4.2.) in which the pilot flame was absent shall be furnished to the Administrator.

[40 C.F.R. §§60.115b(d)(1) and (3); 45CSR16]

8.6. Compliance Plan

8.6.1. Reserved.

APPENDIX A

Class II General Permit G60-C

West Virginia Department of Environmental Protection
Joe Manchin, III
Governor

Division of Air Quality

Randy C. Huffman
Cabinet Secretary

Class II General Permit G60-C



for the
Prevention and Control of Air Pollution in regard to the
Construction, Modification, Relocation, Administrative Update and
Operation of Emergency Generators

This permit is issued in accordance with the West Virginia Air Pollution Control Act (West Virginia Code §§ 22-5-1 et seq.) and 45 C.S.R. 13 — Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation.


John A. Benedict
Director

Issued: May 21, 2009

Any person whose interest may be affected, including, but not necessarily limited to, the applicant and any person who participated in the public comment process, by a permit issued, modified or denied by the Secretary may appeal such action of the Secretary to the Air Quality Board pursuant to article one [§§22B-1-1 et seq.], Chapter 22B of the Code of West Virginia. West Virginia Code §§22-5-14.

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1.0. Emission Units

All emission units covered by this permit are listed on the issued G60-C Registration.

2.0. General Conditions

2.1. Purpose

The purpose of this Class II General Permit is to authorize the construction, modification, administrative update, relocation, and operation of eligible emergency generators through a Class II General Permit registration process. The requirements, provisions, standards and conditions of this Class II General Permit address the prevention and control of regulated pollutants from the operation of emergency generator(s).

2.2 Authority

This permit is issued in accordance with West Virginia air pollution control law W.Va. Code §§ 22-5-1. et seq. and the following Legislative Rules promulgated thereunder:

- 2.2.1. 45CSR13 – *Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation;*

2.3 Applicability

- 2.3.1. All emergency generators installed for the purpose of allowing key systems to continue to operate without interruption during times of utility power outages, including emergency generators installed at Title V(major) facilities and other facilities having additional point sources of emissions, are eligible for Class II General Permit registration except for:
- a. Any emergency generator which is a major source as defined in 45CSR14, 45CSR19 or 45CSR30;
 - b. Any emergency generator subject to the requirements of 45CSR14, 45CSR15, 45CSR19, 45CSR25, 45CSR27, 45CSR30, 45CSR34;
 - c. Any emergency generator whose estimated hours of operation exceeds 500 hours per year;
 - d. Any emergency generator located in or which may significantly impact an area which has been determined to be a nonattainment area. Unless otherwise approved by the Secretary.
 - e. Any emergency generator which will require an individual air quality permit review process and/or individual permit provisions to address the emission of a regulated pollutant or to incorporate regulatory requirements other than those established by General Permit G60-C.
- 2.3.2. For the purposes of General Permit G60-C, *emergency generator* means a generator whose purpose is to allow key systems to continue to operate without interruption during times of utility power outages.
- 2.3.3. The West Virginia Division of Air Quality reserves the right to reopen this permit or any authorization issued under this permit if the area in which the affected facility is located is federally designated as non-attainment for specified pollutants. If subsequently any proposed construction, modification and/or operation does not demonstrate eligibility and/or compliance with the requirements, provisions, standards and conditions of this General Permit, this General Permit registration shall be denied and an individual permit for the proposed activity shall be required.

- 2.3.4. Except for emergency diesel generators, all emission units covered by this permit, unless they are classified as De Minimis Sources in 45CSR13 Table 45-13B, must be fueled with pipeline-quality natural gas, field gas, propane gas, or equivalent with a maximum sulfur content of 20 grains of sulfur per 100 standard cubic feet and a maximum H₂S content of 0.25 grains per 100 cubic feet of gas (maximum allowed to have in natural gas sold for delivery through the interstate pipeline system).
[45CSR§13-5.11]

2.4. Definitions

- 2.4.1. All references to the “West Virginia Air Pollution Control Act” or the “Air Pollution Control Act” mean those provisions contained in W.Va. Code §§ 22-5-1 to 22-5-18.
- 2.4.2. The “Clean Air Act” means those provisions contained in 42 U.S.C. §§ 7401 to 7671q, and regulations promulgated thereunder.
- 2.4.3. “Secretary” means the Secretary of the Department of Environmental Protection or such other person to whom the Secretary has delegated authority or duties pursuant to W.Va. Code §§ 22-1-6 or 22-1-8 (45CSR§30-2.12.). The Director of the Division of Air Quality is the Secretary’s designated representative for the purposes of this permit.

2.5. Acronyms

CAAA	Clean Air Act Amendments	NO_x	Nitrogen Oxides
CBI	Confidential Business Information	NSPS	New Source Performance Standards
CEM	Continuous Emission Monitor	PM	Particulate Matter
CES	Certified Emission Statement	PM_{2.5}	Particulate Matter less than 2.5 µm in diameter
C.F.R. or CFR	Code of Federal Regulations	PM₁₀	Particulate Matter less than 10µm in diameter
CO	Carbon Monoxide	Ppb	Pounds per Batch
C.S.R. or CSR	Codes of State Rules	Pph	Pounds per Hour
DAQ	Division of Air Quality	Ppm	Parts per Million
DEP	Department of Environmental Protection	Ppm_v or ppmv	Parts per Million by Volume
dscm	Dry Standard Cubic Meter	PSD	Prevention of Significant Deterioration
FOIA	Freedom of Information Act	Psi	Pounds per Square Inch
HAP	Hazardous Air Pollutant	SIC	Standard Industrial Classification
HON	Hazardous Organic NESHAP	SIP	State Implementation Plan
HP	Horsepower	SO₂	Sulfur Dioxide
lbs/hr	Pounds per Hour	TAP	Toxic Air Pollutant
LDAR	Leak Detection and Repair	TPY	Tons per Year
M	Thousand	TRS	Total Reduced Sulfur
MACT	Maximum Achievable Control Technology	TSP	Total Suspended Particulate
MDHI	Maximum Design Heat Input	USEPA	United States Environmental Protection Agency
MM	Million	UTM	Universal Transverse Mercator
MMBtu/hr or mmbtu/hr	Million British Thermal Units per Hour	VEE	Visual Emissions Evaluation
MMCF/hr or mmcf/hr	Million Cubic Feet per Hour		Volatile Organic Compounds
NA	Not Applicable		
	National Ambient Air Quality		

NAAQS	Standards	VOC	Volatile Organic Liquids
NESHAPS	National Emissions Standards for Hazardous Air Pollutants	VOL	

2.6. Permit Expiration and Renewal

- 2.6.1. This Class II General Permit shall remain valid, continuous and in effect unless it is revised, suspended, revoked or otherwise changed under an applicable provision of 45CSR13 or any other applicable legislative rule.
- 2.6.2. General Permit registration granted by the Secretary shall remain valid, continuous and in effect unless it is suspended or revoked by the Secretary or this Class II General Permit is subject to action or change as set forth in Section 2.6.1 above. [45CSR§13-10.2, 45CSR§13-10.3]
- 2.6.3. The Secretary shall review and may renew, reissue or revise this Class II General Permit for cause. The Secretary shall define the terms and conditions under which existing General Permit registrations will be eligible for registration under a renewed, reissued, or revised General Permit and provide written notification to all General Permit registrants (or applicants). This notification shall also describe the registrant's (or applicant's) duty or required action and may include a request for additional information that may be required by any proposed general permit renewal, reissuance or revision.

2.7. Administrative Update to General Permit Registration

- 2.7.1. The registrant may request an administrative registration update to their General Permit registration as defined in and according to the procedures specified in 45CSR§13-4. [45CSR§13-4.]

2.8. Modification to General Permit Registration

- 2.8.1. The registrant may request a permit modification to their General Permit registration as defined in and according to the procedures specified in 45CSR§13-5. [45CSR§13-5.]

2.9. Duty to Comply

- 2.9.1. The registered affected facility shall be constructed and operated in accordance with the information filed in the General Permit Registration Application and any amendments thereto. The Secretary may suspend or revoke a General Permit registration if the plans and specifications upon which the approval was based are not adhered to.
- 2.9.2. The registrant must comply with all applicable conditions of this Class II General Permit. Any General Permit noncompliance constitutes a violation of the West Virginia Code, and/or the Clean Air Act, and is grounds for enforcement action by the Secretary or USEPA.
- 2.9.3. Violation of any of the applicable requirements, provisions, standards or conditions contained in this Class II General Permit, or incorporated herein by reference, may subject the registrant to civil and/or criminal penalties for each violation and further action or remedies as provided by West Virginia Code 22-5-6 and 22-5-7.

- 2.9.4. Registration under this Class II General Permit does not relieve the registrant herein of the responsibility to apply for and obtain all other permits, licenses, and/or approvals from other agencies; i.e. local, state and federal, which may have jurisdiction over the construction and/or operation of the source(s) and/or affected facility herein permitted.

2.10. Inspection and Entry

- 2.10.1. The registrant shall allow any authorized representative of the Secretary, upon the presentation of credentials and other documents as may be required by law, to perform the following:
- a. At all reasonable times enter upon the registrant's premises where a source is located or emissions related activity is conducted, or where records must be kept under the conditions of this permit;
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Class II General Permit;
 - c. Inspect at reasonable times (including all times in which the affected facility is in operation) any affected facilities, equipment (including monitoring and air pollution Control equipment), practices, or operations regulated or required under this Class II General Permit;
 - d. Sample or monitor at reasonable times, substances or parameters to determine compliance with the permit or applicable requirements or ascertain the amounts and types of air pollutants discharged.

2.11. Need to Halt or Reduce Activity not a Defense

- 2.11.1. It shall not be a defense for a registrant in an enforcement action that it should have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Class II General Permit. However, nothing in this paragraph shall be construed as precluding consideration of a need to halt or reduce activity as a mitigating factor in determining penalties for noncompliance if the health, safety, or environmental impacts of halting or reducing operations would be more serious than the impacts of continued operations.

2.12. Emergency

- 2.12.1. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under this Class II General Permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.
- 2.12.2. Effect of any emergency. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of Section 2.12.3 below are met.
- 2.12.3. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

- a. An emergency occurred and that the registrant can identify the cause(s) of the emergency;
- b. The registered affected facility was at the time being properly operated;
- c. During the period of the emergency the registrant took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in this Class II General Permit; and
- d. The registrant submitted notice of the emergency to the Secretary within one (1) working day of the time when emission limitations were exceeded due to the emergency and made a request for variance, and as applicable rules provide. This notice, report, and variance request fulfills the requirement of C. S. R. § 45-30-5.1.c.3.B. This notice must contain a detailed description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

2.12.4. In any enforcement proceeding, the registrant seeking to establish the occurrence of an emergency has the burden of proof.

2.12.5. This provision is in addition to any emergency or upset provision contained in any applicable requirement.

2.13. Duty to Provide Information

2.13.1. The registrant shall furnish to the Secretary within a reasonable time any information the Secretary may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating this Class II General Permit Registration or to determine compliance with this General Permit. Upon request, the registrant shall also furnish to the Secretary copies of records required to be kept by the registrant. For information claimed to be confidential, the registrant shall furnish such records to the Secretary along with a claim of confidentiality in accordance with 45CSR31. If confidential information is to be sent to USEPA, the registrant shall directly provide such information to USEPA along with a claim of confidentiality in accordance with 40 C.F.R. Part 2.

2.14. Duty to Supplement and Correct Information

2.14.1. Upon becoming aware of a failure to submit any relevant facts or a submittal of incorrect information in any registration application, the registrant shall promptly submit to the Secretary such supplemental facts or corrected information.

2.15. Credible Evidence

2.15.1. Nothing in this Class II General Permit shall alter or affect the ability of any person to establish compliance with, or a violation of, any applicable requirement through the use of credible evidence to the extent authorized by law. Nothing in this permit shall be construed to waive any defenses otherwise available to the registrant including but not limited to any challenge to the credible evidence rule in the context of any future proceeding.

2.16. Severability

2.16.1. The provisions of this Class II General Permit are severable. If any provision of this Class II General Permit, or the application of any provision of this Class II General Permit to any circumstance is held invalid by a court of competent jurisdiction, the remaining Class II General Permit terms and conditions or their application to other circumstances shall remain in full force and effect.

2.17. Property Rights

- 2.17.1. Registration under this Class II General Permit does not convey any property rights of any sort or any exclusive privilege.

2.18. Notification Requirements

- 2.18.1. The registrant shall notify the Secretary, in writing, no later than thirty (30) calendar days after the actual startup of the operations authorized under this permit.

2.19. Suspension of Activities

- 2.19.1. In the event the registrant should deem it necessary to suspend, for a period in excess of sixty (60) consecutive calendar days, the affected facility authorized by this permit, the registrant shall notify the Secretary, in writing, within two (2) calendar weeks of the passing of the sixtieth (60) day of the suspension period.

2.20. Transferability

- 2.20.1. This permit is transferable in accordance with the requirements outlined in Section 10.1 of 45CSR13. [45CSR§13-10.1.]

3.0. Facility-Wide Requirements

3.1. Siting Criteria

- 3.1.1. All persons submitting a Class II General Permit Registration Application to construct, modify or relocate an emergency generator shall be subject to the following siting criteria:
- a. No person shall construct, locate or relocate any affected facility or emission unit within three hundred (300) feet of any occupied dwelling, business, public building, school, church, community, institutional building or public park. An owner of an occupied dwelling or business may elect to waive the three hundred (300) feet siting criteria.
 - b. Any person proposing to construct, modify or relocate an emergency generator within three (300) feet of any occupied dwelling, business, public building, school, church, community, institutional building or public park may elect to obtain an individual permit pursuant to 45CSR13.

3.2. Limitations and Standards

- 3.2.1. **Open burning.** The open burning of refuse by any person, firm, corporation, association or public agency is prohibited except as noted in 45CSR§6-3.1.
[45CSR§6-3.1.]
- 3.2.2. **Open burning exemptions.** The exemptions listed in 45CSR§6-3.1 are subject to the following stipulation: Upon notification by the Secretary, no person shall cause, suffer, allow or permit any form of open burning during existing or predicted periods of atmospheric stagnation. Notification shall be made by such means as the Secretary may deem necessary and feasible.
[45CSR§6-3.2.]
- 3.2.3. **Asbestos.** The registrant is responsible for thoroughly inspecting the affected facility, or part of the affected facility, prior to commencement of demolition or renovation for the presence of asbestos and complying with 40 C.F.R. § 61.145, 40 C.F.R. § 61.148, and 40 C.F.R. § 61.150. The registrant, owner, or operator must notify the Secretary at least ten (10) working days prior to the commencement of any asbestos removal on the forms prescribed by the Secretary if the registrant is subject to the notification requirements of 40 C.F.R. § 61.145(b)(3)(i). The USEPA, the Division of Waste Management, and the Bureau for Public Health - Environmental Health require a copy of this notice to be sent to them.
[40CFR§61.145(b) and 45CSR§15]
- 3.2.4. **Odor.** No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor at any location occupied by the public.
[45CSR§4-3.1] *[State Enforceable Only]*
- 3.2.5. **Permanent shutdown.** A source which has not operated at least 500 hours in one 12-month period within the previous five (5) year time period may be considered permanently shutdown, unless such source can provide to the Secretary, with reasonable specificity, information to the contrary. All permits may be modified or revoked and/or reapplication or application for new permits may be required for any source determined to be permanently shutdown.
[45CSR§13-10.5.]

- 3.2.6. **Standby plan for reducing emissions.** When requested by the Secretary, the registrant shall prepare standby plans for reducing the emissions of air pollutants in accordance with the objectives set forth in Tables I, II, and III of 45CSR11. [45CSR§11-5.2.]

3.3. Monitoring Requirements

See Section 4.2.

3.4. Testing Requirements

- 3.4.1. **Stack testing.** Where required by this permit or as otherwise required by the Secretary, in accordance with the West Virginia Code, underlying regulations, permits and orders, the registrant shall conduct test(s) to determine compliance with the emission limitations set forth in this permit and/or established or set forth in underlying documents. The Secretary, or his duly authorized representative, may at his option witness or conduct such test(s). Should the Secretary exercise his option to conduct such test(s), the operator shall provide all necessary sampling connections and sampling ports to be located in such manner as the Secretary may require, power for test equipment and the required safety equipment, such as scaffolding, railings and ladders, to comply with generally accepted good safety practices. Such tests shall be conducted in accordance with the methods and procedures set forth in this permit or as otherwise approved or specified by the Secretary in accordance with the following:
- a. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with 40 C.F.R. Parts 60, 61, and 63 in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit may be revised in accordance with 45CSR§13-4. or 45CSR§13-5.4 as applicable.
 - b. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with applicable requirements which do not involve federal delegation. In specifying or approving such alternative testing to the test methods, the Secretary, to the extent possible, shall utilize the same equivalency criteria as would be used in approving such changes under Section 3.3.1.a. of this permit. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit may be revised in accordance with 45CSR§13-4. or 45CSR§13-5.4 as applicable.
 - c. All periodic tests to determine mass emission limits from or air pollutant concentrations in discharge stacks and such other tests as specified in this permit shall be conducted in accordance with an approved test protocol. Unless previously approved, such protocols shall be submitted to the Secretary in writing at least thirty (30) days prior to any testing and shall contain the information set forth by the Secretary. In addition, the registrant shall notify the Secretary at least fifteen (15) days prior to any testing so the Secretary may have the opportunity to observe such tests. This notification shall include the actual date and time during which the test will be conducted and, if appropriate, verification that the tests will fully conform to a referenced protocol previously approved by the Secretary. [WV Code § 22-5-4(a)(15)]

3.5. Recordkeeping Requirements

- 3.5.1. **Retention of records.** The registrant shall maintain records of all information (including monitoring data, support information, reports, and notifications) required by this permit recorded in a form suitable and readily available for expeditious inspection and review. Support information includes all calibration and maintenance records. Said records shall be maintained for a period of five (5) years on site or in a readily accessible off-site location maintained by the registrant. Said records shall be readily available to the Director of the Division of Air Quality or his/her duly authorized representative for expeditious inspection and review. Any records submitted to the agency pursuant to a requirement of this permit or upon request by the Director shall be certified by a responsible official. Any records submitted to the agency pursuant to a requirement of this permit or upon request by the Director shall be certified by a responsible official. Where appropriate, the registrant may maintain records electronically (on a computer, on computer floppy disks, CDs, DVDs, or magnetic tape disks), on microfilm, or on microfiche.
- 3.5.2. **Odors.** For the purposes of 45CSR4, the registrant shall maintain a record of all odor complaints received, any investigation performed in response to such a complaint, and any responsive action(s) taken. **[45CSR§4. State Enforceable Only.]**

3.6. Reporting Requirements

- 3.6.1. **Responsible official.** Any application form, report, or compliance certification required by this permit to be submitted to the DAQ and/or USEPA shall contain a certification by the responsible official that states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- 3.6.2. **Confidential information.** A registrant may request confidential treatment for the submission of reporting required by this permit pursuant to the limitations and procedures of W.Va. Code § 22-5-10 and 45CSR31.
- 3.6.3. **Correspondence.** All notices, requests, demands, submissions and other communications required or permitted to be made to the Secretary of DEP and/or USEPA shall be made in writing and shall be deemed to have been duly given when delivered by hand, or mailed first class with postage prepaid to the address(es) set forth below or to such other person or address as the Secretary of the Department of Environmental Protection may designate:

If to the DAQ:

Director
WVDEP
Division of Air Quality
601 57th Street
Charleston, WV 25304-2345

If to the US EPA:

Associate Director
Office of Enforcement and Permits Review
(3AP12)
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

- 3.6.4. **Emission inventory.** At such time(s) as the Secretary may designate, the registrant herein shall prepare and submit an emission inventory for the previous year, addressing the emissions from the affected facility and/or process(es) authorized herein, in accordance with the emission inventory submittal requirements of the Division of Air Quality. After the initial submittal, the Secretary may, based upon the type and quantity of the pollutants emitted, establish a frequency other than on an annual basis.

3.6.5. Operating Fee.

- a. In accordance with 45CSR22 – Air Quality Management Fee Program, the permittee shall not operate nor cause to operate the permitted facility or other associated facilities on the same or contiguous sites comprising the plant without first obtaining and having in current effect a Certificate to Operate (CTO). Such Certificate to Operate (CTO) shall be renewed annually, shall be maintained on the premises for which the certificate has been issued, and shall be made immediately available for inspection by the Secretary or his/her duly authorized representative.
- b. In accordance with 45CSR30 – Operating Permit Program, the permittee shall submit a certified emissions statement and pay fees on an annual basis in accordance with the submittal requirements of the Division of Air Quality. A receipt for the appropriate fee shall be maintained on the premises for which the receipt has been issued, and shall be made immediately available for inspection by the Secretary or his/her duly authorized representative.

4.0. Source-Specific Requirements (Units listed in General Permit Registration)

4.1. Limitations and Standards

- 4.1.1. **Operation and Maintenance of Air Pollution Control Equipment.** The registrant shall, to the extent practicable, install, maintain, and operate all pollution control equipment listed in the issued General Permit Registration and associated monitoring equipment in a manner consistent with safety and good air pollution control practices for minimizing emissions, or comply with any more stringent limits set forth in this permit or as set forth by any State rule, Federal regulation, or alternative control plan approved by the Secretary. [45CSR§13-5.11.]
- 4.1.2. **Minor Source of Hazardous Air Pollutants (HAP).** HAP emissions from the affected facility shall be less than 10 tons/year of any single HAP or 25 tons/year of any combination of HAPs. Compliance with this Section shall ensure that the affected facility is a minor HAP source.

4.2. Recordkeeping Requirements

- 4.2.1. *Monitoring information.* The registrant shall keep records of monitoring information that include the following:
 - a. The date, place as defined in this permit and time of sampling or measurements;
 - b. The date(s) analyses were performed;
 - c. The company or entity that performed the analyses;
 - d. The analytical techniques or methods used;
 - e. The results of the analyses; and
 - f. The operating conditions existing at the time of sampling or measurement.
- 4.2.2. *Record of Maintenance of Air Pollution Control Equipment.* For all pollution control equipment listed in the General Permit Registration, the registrant shall maintain accurate records of all required pollution control equipment inspection and/or preventative maintenance procedures specifically required in this permit.
- 4.2.3. *Record of Malfunctions of Air Pollution Control Equipment.* For all air pollution control equipment listed in the General Permit Registration, the registrant shall maintain records of the occurrence and duration of any malfunction or operational shutdown of the air pollution control equipment during which excess emissions occur. For each such case, the following information shall be recorded:
 - a. The equipment involved.
 - b. Steps taken to minimize emissions during the event.
 - c. The duration of the event.
 - d. The estimated increase in emissions during the event.

For each such case associated with an equipment malfunction, the additional information shall also be recorded:

- e. The cause of the malfunction.
 - f. Steps taken to correct the malfunction.
 - g. Any changes or modifications to equipment or procedures that would help prevent future recurrences of the malfunction.
- 4.2.4. **Minor Source of Hazardous Air Pollutants (HAP).** The registrant shall maintain records of annual HAP emissions using AP-42 emission factors, GRI-GLYCalc model outputs, manufacturer

guaranteed values, sample and/or test data, or other methods approved by DAQ demonstrating that facility-wide emissions are less than those specified in Section 4.1.2.

5.0 Source-Specific Requirements (Reciprocating Internal Combustion Engines)

5.1. Limitations and Standards

- 5.1.1. The reciprocating internal combustion engines listed in the General Permit Registration application shall be operated and maintained in accordance with the manufacturer's recommendations and specifications and in a manner consistent with good operating practices.
- 5.1.2. **Regulated Pollutant Limitation.** The registrant shall not cause, suffer, allow or permit emissions of PM, PM₁₀, VOC, SO₂, NO_x, CO, and formaldehyde, from any registered reciprocating internal combustion engine to exceed the potential to emit (pounds per hour and tons per year) listed in the General Permit Registration.
- 5.1.3. **Maximum Fuel Consumption Limitation.** The maximum fuel consumption for any registered reciprocating internal combustion engine listed in the General Permit Registration application shall not exceed the fuel consumption recorded with registrant's Class II General Permit Registration Application without effecting a modification or administrative update. Compliance with the Maximum Yearly Fuel Consumption Limitation shall be determined using a twelve month rolling total. A twelve month rolling total shall mean the sum of the fuel consumption at any given time during the previous twelve consecutive calendar months.
- 5.1.4. **Requirements for Use of Catalytic Reduction Devices**
 - a. Rich-burn natural gas compressor engines equipped with non-selective catalytic reduction (NSCR) air pollution control devices shall be fitted with a closed-loop, automatic air/fuel ratio controller to ensure emissions of regulated pollutants do not exceed the potential to emit for any engine/NSCR combination under varying load. The closed-loop, automatic air/fuel ratio controller shall control a fuel metering valve to deliver additional fuel when required to ensure a fuel-rich mixture and a resultant exhaust oxygen content of less than or equal to 0.5%. The automatic air/fuel ratio controller shall also incorporate dual-point exhaust gas temperature and oxygen sensors which provide temperature and exhaust oxygen content differential feedback. Such controls shall ensure proper and efficient operation of the engine and NSCR air pollution control device;
 - b. Lean-burn natural gas compressor engines equipped with selective catalytic reduction (SCR) air pollution control devices shall be fitted with a closed-loop automatic feedback controller to ensure emissions of regulated pollutants do not exceed the potential to emit for any engine/SCR combination under varying load. The closed-loop automatic feedback controller shall provide proper and efficient operation of the engine, ammonia injection and SCR device, monitor emission levels downstream of the catalyst element and limit ammonia slip to less than 10 ppm_v;
 - c. The automatic air/fuel ratio controller or closed-loop automatic feedback controller shall provide a warning or indication to the operator and/or be interlocked with the engine ignition system to cease engine operation in case of a masking, poisoning or overrich air/fuel ratio situation which results in performance degradation or failure of the catalyst element; and
 - d. No person shall knowingly:
 - 1. Remove or render inoperative any air pollution or auxiliary air pollution control device installed subject to the requirements of General Permit G35-A;
 - 2. Install any part or component when the principal effect of the part or component is to bypass, defeat or render inoperative any air pollution control device or auxiliary air pollution control device installed subject to the requirements of General Permit G35-A; or
 - 3. Cause or allow engine exhaust gases to bypass any catalytic reduction device.

5.2. Monitoring Requirements

5.2.1. Catalytic Oxidizer Control Devices

- a. The registrant shall regularly inspect, properly maintain and/or replace catalytic reduction devices and auxiliary air pollution control devices to ensure functional and effective operation of the engine's physical and operational design. The registrant shall ensure proper operation, maintenance and performance of catalytic reduction devices and auxiliary air pollution control devices by:
 1. Maintaining proper operation of the automatic air/fuel ratio controller or automatic feedback controller.
 2. Following operating and maintenance recommendations of the catalyst element manufacturer.

5.3. Testing Requirements

- 5.3.1. See Facility-Wide Testing Requirements Section 3.4.

5.4. Recordkeeping Requirements

- 5.4.1. To demonstrate compliance with section 5.1.1, 5.1.2, and 5.1.3, the registrant shall maintain records of the amount and type of fuel consumed in each engine and the hours of operation of each engine. Said records shall be maintained on site or in a readily accessible off-site location maintained by the registrant for a period of five (5) years. Said records shall be readily available to the Director of the Division of Air Quality or his/her duly authorized representative for expeditious inspection and review. Any records submitted to the agency pursuant to a requirement of this permit or upon request by the Director shall be certified by a responsible official.

5.5. Reporting Requirements

- 5.5.1. See Facility-Wide Reporting Requirements Section 3.6.

6.0. Source-Specific Requirements (Tanks)

6.1. Limitations and Standards

- 6.1.1. All tanks in the General Permit Registration application will be listed in Section 1.0 (the equipment table) of the issued registration. Tanks that are less than 20,000 gallons should not, as a general rule, have permitted emission limits. Section 1.0 of the issued registration will identify the size of the tank, any controls (such as a floating roof), and may include for tanks of 10,000 gallons or more the expected throughput or turnovers. Depending on the situation, setting a specific permit condition for maximum throughput, turnovers, or a vapor pressure for the tank is acceptable. Such situations would include tanks storing TAPs or HAPs, that are not subject to Rule 27 or a MACT but may be close to the thresholds for these rules. For a source subject to Rule 27 or a MACT storing the pollutant subject to the MACT or Rule 27 it may be appropriate to have emission limits for the regulated pollutant and the appropriate MRR to show compliance.
- 6.1.2. Maximum Tank Throughput Limitation. For tanks subject to the maximum tank throughput limits, the maximum tank throughput for these tanks shall not exceed the throughput recorded with registrant's Class II General Permit Registration without effecting a modification or administrative update. Compliance with the Maximum Yearly Tank Throughput Limitation shall be determined using a twelve month rolling total. A twelve month rolling total shall mean the sum of the tank throughput at any given time during the previous twelve consecutive calendar months.
- 6.1.3. Regulated Pollutant Limitation. The registrant shall not cause, suffer, allow or permit emissions of VOC and aggregate emissions of hazardous air pollutants (HAPs), from any tank listed in the General Permit Registration to exceed the potential to emit (pounds per hour and tons per year) recorded with the registrant's Class II General Permit Registration Application.

6.2. Monitoring Requirements

- 6.2.1. See Facility-Wide Monitoring Requirements.

6.3. Testing Requirements

- 6.3.1. See Facility-Wide Testing Requirements.

6.4. Recordkeeping Requirements

- 6.4.1. The registrant shall maintain a record of the tank throughput for tanks with maximum throughput limits, to demonstrate compliance with section 6.1.2 of this permit. Said records shall be maintained on site or in a readily accessible off-site location maintained by the registrant for a period of five (5) years. Said records shall be readily available to the Director of the Division of Air Quality or his/her duly authorized representative for expeditious inspection and review. Any records submitted to the agency pursuant to a requirement of this permit or upon request by the Director shall be certified by a responsible official.

6.5. Reporting Requirements

- 6.5.1. See Facility-Wide Reporting Requirements.

7.0 Source-Specific Requirements (Standards of Performance for Stationary Compression Ignition Internal Combustion Engines (40CFR60 Subpart III))

7.1. Limitations and Standards

7.1.1. **Maximum Yearly Operation Limitation.** The maximum yearly hours of operation for any emergency generator listed in the General Permit Registration application shall not exceed 500 hours per year. Compliance with the Maximum Yearly Operation Limitation shall be determined using a twelve month rolling total. A twelve month rolling total shall mean the sum of the hours of operation at any given time during the previous twelve consecutive calendar months.

7.1.2. **Regulated Pollutant Limitation**
The registrant shall not cause, suffer, allow or permit emissions of PM, PM₁₀, VOC, SO₂, NO_x, CO, and aggregate emissions of hazardous air pollutants (HAPs), from any emergency generator listed in the General Permit Registration to exceed the potential to emit (pounds per hour and tons per year) recorded with the registrant's Class II General Permit Registration Application.

7.1.3. **Recycled or Used Oil**

a. The registrant shall not receive, store, burn or fire any recycled or used oil in the emergency generator registered herein which is considered a hazardous waste or does not meet the used oil specifications below (40 C.F.R. 279.11, Table 1). The burning of used or recycled oil which does not meet these specifications shall constitute a violation of 45CSR25, 33CSR20 and the requirements, provisions, standards and conditions of this Class II General Permit.

Constituent or Property	Maximum Allowable Specification
Arsenic	5.0 ppm
Cadmium	2.0 ppm
Chromium	10.0 ppm
Lead	100.0 ppm
PCBs	2.0 ppm
Total Halogen	4000.0 ppm maximum
Mercury	0.20 ppm
Flash Point	100.0°F minimum

b. Recycled or used oil with a Total Halogen content greater than 1000.0 ppm is presumed to be a hazardous waste under the rebuttable presumption provided in 40 C.F.R. 279.10(b)(1)(ii). Therefore, the registrant may receive, store and burn recycled or used oil exceeding 1000.0 ppm Total Halogen (but less than 4000.0 ppm maximum) only if the supplier or marketer has demonstrated that the recycled or used oil is not and does not contain hazardous waste.

7.1.4. **Storage Tanks**

a. The content, dimensions, and an analysis showing the capacity of all storage tanks shall be recorded on the Emergency generator Storage Tank Data Sheet in the registrant's Class II General Permit registration;

- b. Petroleum liquid storage tank volume shall not exceed 151 m³ (or 39,889 gallons) capacity and maximum true vapor pressure shall not exceed 15.0 kPa (2.17 psia) for petroleum liquid storage tanks greater than 75 m³ (19,812 gallon) capacity; and
- c. The registrant shall inform the Secretary of any change in the number of storage tanks or capacities. The registrant may exchange storage tanks of similar volume as required.

7.1.5. Emission Standards

Owners and operators of pre-2007 model year emergency stationary CI (compression ignition) ICE (internal combustion engines) with a displacement of less than 10 liters per cylinder that are not fire pump engines must comply with the emission standards in table 1 to this subpart. [40CFR§60.4205a]

7.1.6. Emission Standards

Owners and operators of 2007 model year and later emergency stationary CI ICE with a displacement of less than 30 liters per cylinder that are not fire pump engines must comply with the emission standards for new nonroad CI engines in §60.4202, for all pollutants, for the same model year and maximum engine power for their 2007 model year and later emergency stationary CI ICE. [40CFR§60.4205b]

7.1.7. Emission Standards

Owners and operators of fire pump engines with a displacement of less than 30 liters per cylinder must comply with the emission standards in table 4 to this subpart, for all pollutants. [40CFR§60.4205c]

7.1.8. Emission Standards

Owners and operators of emergency stationary CI ICE with a displacement of greater than or equal to 30 liters per cylinder must meet the requirements in paragraphs (d)(1) and (2) of this section. [40CFR§60.4205 d]

(1) Reduce NOX emissions by 90 percent or more, or limit the emissions of NOX in the stationary CI internal combustion engine exhaust to 1.6 grams per KW-hour (1.2 grams per HP-hour). [40CFR§60.4205d(1)]

(2) Reduce PM emissions by 60 percent or more, or limit the emissions of PM in the stationary CI internal combustion engine exhaust to 0.15 g/KW-hr (0.11 g/HP-hr). [40CFR§60.4205d(2)]

- 7.1.9. Owners and operators of stationary CI ICE must operate and maintain stationary CI ICE that achieve the emission standards as required in §60.4204 and §60.4205 according to the manufacturer's written instructions or procedures developed by the owner or operator that are approved by the engine manufacturer, over the entire life of the engine. [40CFR§60.4206]**

7.1.10. Fuel Requirements

Beginning October 1, 2007, owners and operators of stationary CI ICE subject to this subpart that use diesel fuel must use diesel fuel that meets the requirements of 40 CFR 80.510(a). [40CFR§60.4207a]

7.1.11. Fuel Requirements

Beginning October 1, 2010, owners and operators of stationary CI ICE subject to this subpart with a displacement of less than 30 liters per cylinder that use diesel fuel must use diesel fuel that meets the requirements of 40 CFR 80.510(b) for nonroad diesel fuel. [40CFR§60.4207b]

7.1.12. Fuel Requirements

Owners and operators of pre-2011 model year stationary CI ICE subject to this subpart may petition the Administrator for approval to use remaining non-compliant fuel that does not meet the fuel requirements of paragraphs (a) and (b) of this section beyond the dates required for the

purpose of using up existing fuel inventories. If approved, the petition will be valid for a period of up to 6 months. If additional time is needed, the owner or operator is required to submit a new petition to the Administrator. [40CFR§60.4207c]

7.1.13. Fuel Requirements

Stationary CI ICE that have a national security exemption under §60.4200(d) are also exempt from the fuel requirements in this section. [40CFR§60.4207e]

7.1.14. After December 31, 2008, owners and operators may not install stationary CI ICE (excluding fire pump engines) that do not meet the applicable requirements for 2007 model year engines. [40CFR§60.4208a]

7.1.15. After December 31, 2009, owners and operators may not install stationary CI ICE with a maximum engine power of less than 19 KW (25 HP) (excluding fire pump engines) that do not meet the applicable requirements for 2008 model year engines. [40CFR§60.4208b]

7.1.16. In addition to the requirements specified in §§60.4201, 60.4202, 60.4204, and 60.4205, it is prohibited to import stationary CI ICE with a displacement of less than 30 liters per cylinder that do not meet the applicable requirements specified in paragraphs (a) through (f) of this section after the dates specified in paragraphs (a) through (f) of this section. [40CFR§60.4208g]

7.1.17. The requirements of this section do not apply to owners or operators of stationary CI ICE that have been modified, reconstructed, and do not apply to engines that were removed from one existing location and reinstalled at a new location. [40CFR§60.4208h]

7.1.18. If you are an owner or operator, you must meet the monitoring requirements of this section. In addition, you must also meet the monitoring requirements specified in §60.4211. [40CFR§60.4209]

7.1.19. If you are an owner or operator of an emergency stationary CI internal combustion engine, you must install a non-resettable hour meter prior to startup of the engine. [40CFR§60.4209a]

7.1.20. If you are an owner or operator of a stationary CI internal combustion engine equipped with a diesel particulate filter to comply with the emission standards in §60.4204, the diesel particulate filter must be installed with a backpressure monitor that notifies the owner or operator when the high backpressure limit of the engine is approached. [40CFR§60.4209b]

7.1.21. If you are an owner or operator and must comply with the emission standards specified in this subpart, you must operate and maintain the stationary CI internal combustion engine and control device according to the manufacturer's written instructions or procedures developed by the owner or operator that are approved by the engine manufacturer. In addition, owners and operators may only change those settings that are permitted by the manufacturer. You must also meet the requirements of 40 CFR parts 89, 94 and/or 1068, as they apply to you. [40CFR§60.4211a]

7.1.22. If you are an owner or operator of a pre-2007 model year stationary CI internal combustion engine and must comply with the emission standards specified in §§60.4204(a) or 60.4205(a), or if you are an owner or operator of a CI fire pump engine that is manufactured prior to the model years in table 3 to this subpart and must comply with the emission standards specified in §60.4205(c), you must demonstrate compliance according to one of the methods specified in paragraphs (b)(1) through (5) of this section. [40CFR§60.4211b]

(1) Purchasing an engine certified according to 40 CFR part 89 or 40 CFR part 94, as applicable, for the same model year and maximum engine power. The engine must be installed and configured according to the manufacturer's specifications. [40CFR§60.4211b1]

- (2) Keeping records of performance test results for each pollutant for a test conducted on a similar engine. The test must have been conducted using the same methods specified in this subpart and these methods must have been followed correctly. [40CFR§60.4211b2]
 - (3) Keeping records of engine manufacturer data indicating compliance with the standards.[40CFR§60.4211b3]
 - (4) Keeping records of control device vendor data indicating compliance with the standards.[40CFR§60.4211b4]
 - (5) Conducting an initial performance test to demonstrate compliance with the emission standards according to the requirements specified in §60.4212, as applicable. [40CFR§60.4211b5]
- 7.1.23. If you are an owner or operator of a 2007 model year and later stationary CI internal combustion engine and must comply with the emission standards specified in §60.4204(b) or §60.4205(b), or if you are an owner or operator of a CI fire pump engine that is manufactured during or after the model year that applies to your fire pump engine power rating in table 3 to this subpart and must comply with the emission standards specified in §60.4205(c), you must comply by purchasing an engine certified to the emission standards in §60.4204(b), or §60.4205(b) or (c), as applicable, for the same model year and maximum (or in the case of fire pumps, NFPA nameplate) engine power. The engine must be installed and configured according to the manufacturer's specifications. [40CFR§60.4211c]
- 7.1.24. If you are an owner or operator and must comply with the emission standards specified in §60.4204(c) or §60.4205(d), you must demonstrate compliance according to the requirements specified in paragraphs (d)(1) through (3) of this section. [40CFR§60.4211d]
- (1) Conducting an initial performance test to demonstrate initial compliance with the emission standards as specified in §60.4213. [40CFR§60.4211d1]
 - (2) Establishing operating parameters to be monitored continuously to ensure the stationary internal combustion engine continues to meet the emission standards. The owner or operator must petition the Administrator for approval of operating parameters to be monitored continuously. The petition must include the information described in paragraphs (d)(2)(I) through (v) of this section. [40CFR§60.4211d2]
 - (i) Identification of the specific parameters you propose to monitor continuously; [40CFR§60.4211d2(I)]
 - (ii) A discussion of the relationship between these parameters and NOX and PM emissions, identifying how the emissions of these pollutants change with changes in these parameters, and how limitations on these parameters will serve to limit NOX and PM emissions; [40CFR§60.4211d2(ii)]
 - (iii) A discussion of how you will establish the upper and/or lower values for these parameters which will establish the limits on these parameters in the operating limitations; [40CFR§60.4211d2(iii)]
 - (iv) A discussion identifying the methods and the instruments you will use to monitor these parameters, as well as the relative accuracy and precision of these methods and instruments; and [40CFR§60.4211d2(iv)]
 - (v) A discussion identifying the frequency and methods for recalibrating the instruments you will use for monitoring these parameters. [40CFR§60.4211d2(v)]

- 7.1.25. Emergency stationary ICE may be operated for the purpose of maintenance checks and readiness testing, provided that the tests are recommended by Federal, State, or local government, the manufacturer, the vendor, or the insurance company associated with the engine. Maintenance checks and readiness testing of such units is limited to 100 hours per year. There is no time limit on the use of emergency stationary ICE in emergency situations. Anyone may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that Federal, State, or local standards require maintenance and testing of emergency ICE beyond 100 hours per year. For owners and operators of emergency engines meeting standards under §60.4205 but not §60.4204, any operation other than emergency operation, and maintenance and testing as permitted in this section, is prohibited. [40CFR§60.4211e]

7.2. Testing Requirements

At the time a registered emergency generator is in compliance with an applicable emission standard and at reasonable times to be determined by the Secretary thereafter, appropriate tests consisting of visual determinations or conventional in-stack measurements or such other tests as the Secretary may specify shall be conducted to determine such compliance. The registrant may also be required by the Secretary to collect, report and maintain additional data on the operation and compliance of any registered emergency generator.

7.2.1. Stack Testing

For cause, the Secretary may request the registrant to install such stack gas monitoring devices as the Secretary deems necessary to determine continuing compliance. The data from such devices shall be readily available for review on-site or such other reasonable location that the Secretary may specify. At the request of the Secretary, such data shall be made available for inspection or copying and the Secretary may require periodic submission of excess emission reports (45CSR13).

7.2.2. Notification of Compliance Testing

For any compliance test to be conducted by the registrant as set forth in this section, a test protocol shall be submitted to the Secretary at least thirty (30) calendar days prior to the scheduled date of the test. Such compliance test protocol shall be subject to approval by the Secretary. The registrant shall notify the Secretary at least fifteen (15) calendar days in advance of actual compliance test dates and times during which the test (or tests) will be conducted.

7.2.3. Alternative Test Methods

The Secretary may require a different test method or approve an alternative method in light of any technology advancements that may occur and may conduct such other tests as may be deemed necessary to evaluate air pollution emissions.

7.2.4. Owners and operators of stationary CI ICE with a displacement of less than 30 liters per cylinder who conduct performance tests pursuant to this subpart must do so according to paragraphs (a) through (d) of this section. [40CFR§60.4212]

- a. The performance test must be conducted according to the in-use testing procedures in 40 CFR part 1039, subpart F. [40CFR§60.4212a]
- b. Exhaust emissions from stationary CI ICE that are complying with the emission standards for new CI engines in 40 CFR part 1039 must not exceed the not-to-exceed (NTE) standards for the same model year and maximum engine power as required in 40 CFR 1039.101(e) and 40 CFR 1039.102(g)(1), except as specified in 40 CFR 1039.104(d). This requirement starts when NTE requirements take effect for nonroad diesel engines under 40 CFR part 1039. [40CFR§60.4212b]

- c. Exhaust emissions from stationary CI ICE that are complying with the emission standards for new CI engines in 40 CFR 89.112 or 40 CFR 94.8, as applicable, must not exceed the NTE numerical requirements, rounded to the same number of decimal places as the applicable standard in 40 CFR 89.112 or 40 CFR 94.8, as applicable, determined from the following equation:

NTE Requirement for each pollutant - $(1.25) \times (\text{STD})$

Where:

STD = The standard specified for that pollutant in 40 CFR 89.112 or 40 CFR 94.8, as applicable.

Alternatively, stationary CI ICE that are complying with the emission standards for new CI engines in 40 CFR 89.112 or 40 CFR 94.8 may follow the testing procedures specified in §60.4213 of this subpart, as appropriate. [40CFR§60.4212c]

- d. Exhaust emissions from stationary CI ICE that are complying with the emission standards for pre-2007 model year engines in §60.4204(a), §60.4205(a), or §60.4205(c) must not exceed the NTE numerical requirements, rounded to the same number of decimal places as the applicable standard in §60.4204(a), §60.4205(a), or §60.4205(c), determined from the equation in paragraph (c) of this section.

Where:

STD = The standard specified for that pollutant in §60.4204(a), §60.4205(a), or §60.4205(c).

Alternatively, stationary CI ICE that are complying with the emission standards for pre-2007 model year engines in §60.4204(a), §60.4205(a), or §60.4205(c) may follow the testing procedures specified in §60.4213, as appropriate. [40CFR§60.4212d]

- 7.2.5. Owners and operators of stationary CI ICE with a displacement of greater than or equal to 30 liters per cylinder must conduct performance tests according to paragraphs (a) through (d) of this section. [40CFR§60.4213]

- a. Each performance test must be conducted according to the requirements in §60.8 and under the specific conditions that this subpart specifies in table 7. The test must be conducted within 10 percent of 100 percent peak (or the highest achievable) load. [40CFR§60.4213a]
- b. You may not conduct performance tests during periods of startup, shutdown, or malfunction, as specified in §60.8(c). [40CFR§60.4213b]
- c. You must conduct three separate test runs for each performance test required in this section, as specified in §60.8(f). Each test run must last at least 1 hour. [40CFR§60.4213c]
- d. To determine compliance with the percent reduction requirement, you must follow the requirements as specified in paragraphs (d)(1) through (3) of this section. [40CFR§60.4213d]
 - (1) You must use Equation 2 of this section to determine compliance with the percent reduction requirement:

$$\frac{C_i - C_o}{C_i} \times 100 = R \quad (\text{Eq. 2})$$

Where:

C_i = concentration of NOX or PM at the control device inlet,
 C_o = concentration of NOX or PM at the control device outlet, and
 R = percent reduction of NOX or PM emissions.

(2) You must normalize the NOX or PM concentrations at the inlet and outlet of the control device to a dry basis and to 15 percent oxygen (O₂) using Equation 3 of this section, or an equivalent percent carbon dioxide (CO₂) using the procedures described in paragraph (d)(3) of this section.

Where:

$$C_{adj} = C_i \frac{5.9}{20.9 - \% O_2} \quad (\text{Eq. 3})$$

C_{adj} = Calculated NOX or PM concentration adjusted to 15 percent O₂.
 C_d = Measured concentration of NOX or PM, uncorrected.
 5.9 = 20.9 percent O₂ - 15 percent O₂, the defined O₂ correction value, percent.
 $\%O_2$ = Measured O₂ concentration, dry basis, percent.

(3) If pollutant concentrations are to be corrected to 15 percent O₂ and CO₂ concentration is measured in lieu of O₂ concentration measurement, a CO₂ correction factor is needed. Calculate the CO₂ correction factor as described in paragraphs (d)(3)(I) through (iii) of this section.

(i) Calculate the fuel-specific F_o value for the fuel burned during the test using values obtained from Method 19, Section 5.2, and the following equation:

$$F_o = \frac{0.209 F_d}{F_c} \quad (\text{Eq. 4})$$

Where:

F_o = Fuel factor based on the ratio of O₂ volume to the ultimate CO₂ volume produced by the fuel at zero percent excess air.
 0.209 = Fraction of air that is O₂, percent/100.
 F_d = Ratio of the volume of dry effluent gas to the gross calorific value of the fuel from Method 19, dsm 3 /J (dscf/10 6 Btu).
 F_c = Ratio of the volume of CO₂ produced to the gross calorific value of the fuel from Method 19, dsm 3 /J (dscf/10 6 Btu).

(ii) Calculate the CO₂ correction factor for correcting measurement data to 15 percent O₂, as follows:

$$X_{CO_2} = \frac{5.9}{F_o} \quad (\text{Eq. 5})$$

Where:

XCO2 = CO2 correction factor, percent.

5.9 = 20.9 percent O2--15 percent O2, the defined O2 correction value, percent.

(iii) Calculate the NOX and PM gas concentrations adjusted to 15 percent O2 using CO2 as follows:

$$C_{adj} = C_d \frac{X_{CO_2}}{\%CO_2} \quad (\text{Eq. 6})$$

Where:

Cadj = Calculated NOX or PM concentration adjusted to 15 percent O2.

Cd = Measured concentration of NOX or PM, uncorrected.

%CO2 = Measured CO2 concentration, dry basis, percent.

- 7.2.6. To determine compliance with the NOX mass per unit output emission limitation, convert the concentration of NOX in the engine exhaust using Equation 7 of this section: [40CFR§60.4213e]

$$ER = \frac{C_d \times 1.912 \times 10^{-3} \times Q \times T}{KW\text{-hour}} \quad (\text{Eq. 7})$$

Where:

ER = Emission rate in grams per KW-hour.

Cd = Measured NOX concentration in ppm.

1.912x10⁻³ = Conversion constant for ppm NOX to grams per standard cubic meter at 25 degrees Celsius.

Q = Stack gas volumetric flow rate, in standard cubic meter per hour.

T = Time of test run, in hours.

KW-hour = Brake work of the engine, in KW-hour.

- 7.2.7. To determine compliance with the PM mass per unit output emission limitation, convert the concentration of PM in the engine exhaust using Equation 8 of this section:

$$ER = \frac{C_{adj} \times Q \times T}{KW\text{-hour}} \quad (\text{Eq. 8})$$

Where:

ER = Emission rate in grams per KW-hour.

Cadj = Calculated PM concentration in grams per standard cubic meter.

Q = Stack gas volumetric flow rate, in standard cubic meter per hour.

T = Time of test run, in hours.

KW-hour = Energy output of the engine, in KW.

7.3. Recordkeeping and Reporting Requirements

7.3.1. Records, Operation and Compliance

- a. For the purpose of determining compliance with the Maximum Yearly Operation Limitation, a person designated by a Responsible Official or Authorized Representative shall maintain records of hours of operation utilizing copies of Attachment A - Monthly Hours of Operation Record (or a similar form containing the same information);
- b. For the purpose of determining compliance with the Fuel Type Limitation, a person designated by a Responsible Official or Authorized Representative shall maintain records of quantity and type of fuel burned.
- c. For the purpose of determining compliance with the Regulated Pollutant Limitation for SO₂, a person designated by a Responsible Official or Authorized Representative shall maintain records of the maximum sulfur content on a per-shipment basis for fuel oil, recycled or used oil or annual certification of the sulfur content from the supplier for pipeline quality natural gas.
- d. Said records shall be maintained for a period of five (5) years on site or in a readily accessible off-site location maintained by the registrant. Said records shall be readily available to the Director of the Division of Air Quality or his/her duly authorized representative for expeditious inspection and review. Any records submitted to the agency pursuant to a requirement of this permit or upon request by the Director shall be certified by a responsible official.

7.3.2. Monitoring Information

The registrant shall keep the following records of monitoring information:

- a. The date, place as defined in this Class II General Permit and time of sampling measurements;
- b. The date(s) analyses were performed;
- c. The company or entity that performed the analyses;
- d. The analytical techniques or methods used;
- e. The results of the analyses; and
- f. The operating conditions existing at the time of sampling or measurement.

7.3.3. Equipment Maintenance Records

- a. The registrant shall maintain maintenance records relating to failure and/or repair of emergency generator equipment. In the event of equipment or system failure, these records shall document the registrant's effort to maintain proper and effective operation of such equipment and/or systems;
- b. Said records shall be maintained for a period of five (5) years on site or in a readily accessible off-site location maintained by the registrant. Said records shall be readily available to the Director of the Division of Air Quality or his/her duly authorized representative for expeditious inspection and review. Any records submitted to the agency pursuant to a requirement of this permit or upon request by the Director shall be certified by a responsible official.

7.3.4. Retention of Records

Said records shall be maintained for a period of five (5) years on site or in a readily accessible off-site location maintained by the registrant. Said records shall be readily available to the Director of the Division of Air Quality or his/her duly authorized representative for expeditious inspection and review. Any records submitted to the agency pursuant to a requirement of this permit or upon request by the Director shall be certified by a responsible official.

7.3.5. Compliance Testing

The owner or operator of any emergency generator shall submit written reports of the results of all performance tests conducted to demonstrate compliance with the standards set forth in Section

7.3.6. Certification of Information

Any application form, report, or compliance certification required by this General Permit to be submitted to the Division of Air Quality and/or USEPA shall contain a certification by the responsible official that states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.

- 7.3.7. If the stationary CI internal combustion engine is an emergency stationary internal combustion engine, the owner or operator is not required to submit an initial notification. Starting with the model years in table 5 to this subpart, if the emergency engine does not meet the standards applicable to non-emergency engines in the applicable model year, the owner or operator must keep records of the operation of the engine in emergency and non-emergency service that are recorded through the non-resettable hour meter. The owner must record the time of operation of the engine and the reason the engine was in operation during that time. [40CFR§60.4214b]
- 7.3.8. If the stationary CI internal combustion engine is equipped with a diesel particulate filter, the owner or operator must keep records of any corrective action taken after the backpressure monitor has notified the owner or operator that the high backpressure limit of the engine is approached. [40CFR§60.4214c]

8.0. Source-Specific Requirements (Standards of Performance for Stationary Spark Ignition Internal Combustion Engines (40CFR60 Subpart JJJJ))

8.1. Limitations and Standards

- 8.1.1. The provisions of this subpart are applicable to owners, and operators of stationary spark ignition (SI) internal combustion engines (ICE) as specified below. For the purposes of this subpart, the date that construction commences is the date the engine is ordered by the owner or operator.
- a. Owners and operators of stationary SI ICE that commence construction after June 12, 2006, where the stationary SI ICE are manufactured:
 1. On or after July 1, 2007, for engines with a maximum engine power greater than or equal to 500 HP (except lean burn engines with a maximum engine power greater than or equal to 500 HP and less than 1,350 HP);
 2. on or after January 1, 2008, for lean burn engines with a maximum engine power greater than or equal to 500 HP and less than 1,350 HP;
 3. on or after July 1, 2008, for engines with a maximum engine power less than 500 HP; or
 4. on or after January 1, 2009, for emergency engines with a maximum engine power greater than 19 KW (25 HP).
 - b. Owners and operators of stationary SI ICE that commence modification or reconstruction after June 12, 2006.
[40CFR§60.4230(a)]
- 8.1.2. The provisions of this subpart are not applicable to stationary SI ICE being tested at an engine test cell/stand. [40CFR§60.4230(b)]
- 8.1.3. If you are an owner or operator of an area source subject to this subpart, you are exempt from the obligation to obtain a permit under 40 CFR part 70 or 40 CFR part 71, provided you are not required to obtain a permit under 40 CFR 70.3(a) or 40 CFR 71.3(a) for a reason other than your status as an area source under this subpart. Notwithstanding the previous sentence, you must continue to comply with the provisions of this subpart as applicable. [40CFR§60.4230(c)]
- 8.1.4. For the purposes of this subpart, stationary SI ICE using alcohol-based fuels are considered gasoline engines. [40CFR§60.4230(d)]
- 8.1.5. Stationary SI ICE may be eligible for exemption from the requirements of this subpart as described in 40 CFR part 1068, subpart C (or the exemptions described in 40 CFR parts 90 and 1048, for engines that would need to be certified to standards in those parts), except that owners and operators, as well as manufacturers, may be eligible to request an exemption for national security. [40CFR§60.4230(e)]
- 8.1.6. Owners and operators of facilities with internal combustion engines that are acting as temporary replacement units and that are located at a stationary source for less than 1 year and that have been properly certified as meeting the standards that would be applicable to such engine under the appropriate nonroad engine provisions, are not required to meet any other provisions under this subpart with regard to such engines. [40CFR§60.4230(f)]

8.2. Emission Standards for Owners and Operators

- 8.2.1. Owners and operators of stationary SI ICE with a maximum engine power less than or equal to 19 KW (25 HP) manufactured on or after July 1, 2008, must comply with the emission standards in §60.4231(a) for their stationary SI ICE. [40CFR§60.4233(a)]
- 8.2.2. Owners and operators of stationary SI ICE with a maximum engine power greater than 19 KW (25 HP) manufactured on or after the applicable date in §60.4230(a)(4) that use gasoline must comply with the emission standards in §60.4231(b) for their stationary SI ICE. [40CFR§60.4233(b)]
- 8.2.3. Owners and operators of stationary SI ICE with a maximum engine power greater than 19 KW (25 HP) manufactured on or after the applicable date in §60.4230(a)(4) that are rich burn engines that use LPG must comply with the emission standards in §60.4231(c) for their stationary SI ICE. [40CFR§60.4233(c)]
- 8.2.4. Owners and operators of stationary SI ICE with a maximum engine power greater than 19 KW (25 HP) and less than 75 KW (100 HP) (except gasoline and rich burn engines that use LPG) must comply with the emission standards for field testing in 40 CFR 1048.101(c) for their non-emergency stationary SI ICE and with the emission standards in Table 1 to this subpart for their emergency stationary SI ICE. Owners and operators of stationary SI ICE with a maximum engine power greater than 19 KW (25 HP) and less than 75 KW (100 HP) manufactured prior to January 1, 2011, that were certified to the standards in Table 1 to this subpart applicable to engines with a maximum engine power greater than or equal to 100 HP and less than 500 HP, may optionally choose to meet those standards. [40CFR§60.4233(d)]
- 8.2.5. Owners and operators of stationary SI ICE with a maximum engine power greater than or equal to 75 KW (100 HP) (except gasoline and rich burn engines that use LPG) must comply with the emission standards in Table 1 to this subpart for their stationary SI ICE. For owners and operators of stationary SI ICE with a maximum engine power greater than or equal to 100 HP (except gasoline and rich burn engines that use LPG) manufactured prior to January 1, 2011 that were certified to the certification emission standards in 40 CFR part 1048 applicable to engines that are not severe duty engines, if such stationary SI ICE was certified to a carbon monoxide (CO) standard above the standard in Table 1 to this subpart, then the owners and operators may meet the CO certification (not field testing) standard for which the engine was certified. [40CFR§60.4233(e)]
- 8.2.6. Owners and operators of any modified or reconstructed stationary SI ICE subject to this subpart must meet the requirements as specified in paragraphs (f)(1) through (5) of this section. [40CFR§60.4233(f)]
 - a. Owners and operators of stationary SI ICE with a maximum engine power less than or equal to 19 KW (25 HP), that are modified or reconstructed after June 12, 2006, must comply with the same emission standards as those specified in paragraph (a) of this section.
 - b. Owners and operators of stationary SI ICE with a maximum engine power greater than 19 KW (25 HP) that use gasoline engines, that are modified or reconstructed after June 12, 2006, must comply with the same emission standards as those specified in paragraph (b) of this section.
 - c. Owners and operators of stationary SI ICE with a maximum engine power greater than 19 KW (25 HP) that are rich burn engines that use LPG, that are modified or reconstructed after June 12, 2006, must comply with the same emission standards as those specified in paragraph (c) of this section.
 - d. Owners and operators of stationary SI natural gas and lean burn LPG engines with a maximum engine power greater than 19 KW (25 HP), that are modified or reconstructed after

June 12, 2006, must comply with the same emission standards as those specified in paragraph (d) or (e) of this section, except that such owners and operators of non-emergency engines and emergency engines greater than or equal to 130 HP must meet a nitrogen oxides (NO_x) emission standard of 3.0 grams per HP-hour (g/HP-hr), a CO emission standard of 4.0 g/HP-hr (5.0 g/HP-hr for non-emergency engines less than 100 HP), and a volatile organic compounds (VOC) emission standard of 1.0 g/HP-hr, or a NO_x emission standard of 250 ppmvd at 15 percent oxygen (O₂), a CO emission standard 540 ppmvd at 15 percent O₂ (675 ppmvd at 15 percent O₂ for non-emergency engines less than 100 HP), and a VOC emission standard of 86 ppmvd at 15 percent O₂, where the date of manufacture of the engine is:

1. Prior to July 1, 2007, for non-emergency engines with a maximum engine power greater than or equal to 500 HP.
 2. Prior to July 1, 2008, for non-emergency engines with a maximum engine power less than 500 HP.
 3. Prior to January 1, 2009, for emergency engines.
- e. Owners and operators of stationary SI landfill/digester gas ICE engines with a maximum engine power greater than 19 KW (25 HP), that are modified or reconstructed after June 12, 2006, must comply with the same emission standards as those specified in paragraph (e) of this section for stationary landfill/digester gas engines.
[40CFR§60.4233f]

- 8.2.7. Owners and operators of stationary SI wellhead gas ICE engines may petition the Administrator for approval on a case-by-case basis to meet emission standards no less stringent than the emission standards that apply to stationary emergency SI engines greater than 25 HP and less than 130 HP due to the presence of high sulfur levels in the fuel, as specified in Table 1 to this subpart. The request must, at a minimum, demonstrate that the fuel has high sulfur levels that prevent the use of after treatment controls and also that the owner has reasonably made all attempts possible to obtain an engine that will meet the standards without the use of after treatment controls. The petition must request the most stringent standards reasonably applicable to the engine using the fuel. [40CFR§60.4233(g)]
- 8.2.8. Owners and operators of stationary SI ICE that are required to meet standards that reference 40 CFR 1048.101 must, if testing their engines in use, meet the standards in that section applicable to field testing, except as indicated in paragraph (e) of this section. [40CFR§60.4233(h)]
- 8.2.9. Owners and operators of stationary SI ICE must operate and maintain stationary SI ICE that achieve the emission standards as required in §60.4233 over the entire life of the engine. [40CFR§60.4234]

8.3. Other Requirements for Owners and Operators

- 8.3.1. Owners and operators of stationary SI ICE subject to this subpart that use gasoline must use gasoline that meets the per gallon sulfur limit in 40 CFR 80.195. [40CFR§60.4235]
- 8.3.2. After July 1, 2010, owners and operators may not install stationary SI ICE with a maximum engine power of less than 500 HP that do not meet the applicable requirements in §60.4233. [40CFR§60.4236(a)]
- 8.3.3. After July 1, 2009, owners and operators may not install stationary SI ICE with a maximum engine power of greater than or equal to 500 HP that do not meet the applicable requirements in §60.4233, except that lean burn engines with a maximum engine power greater than or equal to 500 HP and less than 1,350 HP that do not meet the applicable requirements in §60.4233 may not be installed after January 1, 2010. [40CFR§60.4236(b)]

- 8.3.4. For emergency stationary SI ICE with a maximum engine power of greater than 19 KW (25 HP), owners and operators may not install engines that do not meet the applicable requirements in §60.4233 after January 1, 2011. [40CFR§60.4236(c)]
- 8.3.5. In addition to the requirements specified in §§60.4231 and 60.4233, it is prohibited to import stationary SI ICE less than or equal to 19 KW (25 HP), stationary rich burn LPG SI ICE, and stationary gasoline SI ICE that do not meet the applicable requirements specified in paragraphs (a), (b), and (c) of this section, after the date specified in paragraph (a), (b), and (c) of this section. [40CFR§60.4236(d)]
- 8.3.6. The requirements of this section do not apply to owners and operators of stationary SI ICE that have been modified or reconstructed, and they do not apply to engines that were removed from one existing location and reinstalled at a new location. [40CFR§60.4236(e)]
- 8.3.7. Starting on July 1, 2010, if the emergency stationary SI internal combustion engine that is greater than or equal to 500 HP that was built on or after July 1, 2010, does not meet the standards applicable to non-emergency engines, the owner or operator must install a non-resettable hour meter. [40CFR§60.4237(a)]
- 8.3.8. Starting on January 1, 2011, if the emergency stationary SI internal combustion engine that is greater than or equal to 130 HP and less than 500 HP that was built on or after January 1, 2011, does not meet the standards applicable to non-emergency engines, the owner or operator must install a non-resettable hour meter. [40CFR§60.4237(b)]
- 8.3.9. If you are an owner or operator of an emergency stationary SI internal combustion engine that is less than 130 HP, was built on or after July 1, 2008, and does not meet the standards applicable to non-emergency engines, you must install a non-resettable hour meter upon startup of your emergency engine. [40CFR§60.4237(c)]

8.4. Compliance Requirements for Owners and Operators

- 8.4.1. If you are an owner or operator of a stationary SI internal combustion engine that is manufactured after July 1, 2008, and must comply with the emission standards specified in §60.4233(a) through (c), you must comply by purchasing an engine certified to the emission standards in §60.4231(a) through (c), as applicable, for the same engine class and maximum engine power. You must also meet the requirements as specified in 40 CFR part 1068, subparts A through D, as they apply to you. If you adjust engine settings according to and consistent with the manufacturer's instructions, your stationary SI internal combustion engine will not be considered out of compliance. In addition, you must meet one of the requirements specified in (a)(1) and (2) of this section.
 - a. If you operate and maintain the certified stationary SI internal combustion engine and control device according to the manufacturer's emission-related written instructions, you must keep records of conducted maintenance to demonstrate compliance, but no performance testing is required if you are an owner or operator.
 - b. If you do not operate and maintain the certified stationary SI internal combustion engine and control device according to the manufacturer's emission-related written instructions, your engine will be considered a non-certified engine, and you must demonstrate compliance according to (a)(2)(i) through (iii) of this section, as appropriate.
 - 1. If you are an owner or operator of a stationary SI internal combustion engine less than 100 HP, you must keep a maintenance plan and records of conducted maintenance to demonstrate compliance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions, but no performance testing is required if you are an owner or operator.

2. If you are an owner or operator of a stationary SI internal combustion engine greater than or equal to 100 HP and less than or equal to 500 HP, you must keep a maintenance plan and records of conducted maintenance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions. In addition, you must conduct an initial performance test within 1 year of engine startup to demonstrate compliance.
3. If you are an owner or operator of a stationary SI internal combustion engine greater than 500 HP, you must keep a maintenance plan and records of conducted maintenance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions. In addition, you must conduct an initial performance test within 1 year of engine startup and conduct subsequent performance testing every 8,760 hours or 3 years, whichever comes first, thereafter to demonstrate compliance.

[40CFR§60.4243(a)]

8.4.2. If you are an owner or operator of a stationary SI internal combustion engine and must comply with the emission standards specified in §60.4233(d) or (e), you must demonstrate compliance according to one of the methods specified in paragraphs (b)(1) and (2) of this section.

- a. Purchasing an engine certified according to procedures specified in this subpart, for the same model year and demonstrating compliance according to one of the methods specified in paragraph (a) of this section.
- b. Purchasing a non-certified engine and demonstrating compliance with the emission standards specified in §60.4233(d) or (e) and according to the requirements specified in §60.4244, as applicable, and according to paragraphs (b)(2)(i) and (ii) of this section.

1. If you are an owner or operator of a stationary SI internal combustion engine greater than 25 HP and less than or equal to 500 HP, you must keep a maintenance plan and records of conducted maintenance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions. In addition, you must conduct an initial performance test to demonstrate compliance.
2. If you are an owner or operator of a stationary SI internal combustion engine greater than 500 HP, you must keep a maintenance plan and records of conducted maintenance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions. In addition, you must conduct an initial performance test and conduct subsequent performance testing every 8,760 hours or 3 years, whichever comes first, thereafter to demonstrate compliance.

[40CFR§60.4243(b)]

8.4.3. If you are an owner or operator of a stationary SI internal combustion engine that must comply with the emission standards specified in §60.4233(f), you must demonstrate compliance according to paragraph (b)(2)(i) or (ii) of this section, except that if you comply according to paragraph (b)(2)(i) of this section, you demonstrate that your non-certified engine complies with the emission standards specified in §60.4233(f). [40CFR§60.4243(c)]

8.4.4. Emergency stationary ICE may be operated for the purpose of maintenance checks and readiness testing, provided that the tests are recommended by Federal, State or local government, the manufacturer, the vendor, or the insurance company associated with the engine. Maintenance checks and readiness testing of such units is limited to 100 hours per year. There is no time limit on the use of emergency stationary ICE in emergency situations. The owner or operator may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that Federal, State, or local standards require maintenance and testing of emergency ICE beyond 100 hours per year. Emergency stationary ICE may operate up to 50 hours per year in

non-emergency situations, but those 50 hours are counted towards the 100 hours per year provided for maintenance and testing. The 50 hours per year for non-emergency situations cannot be used for peak shaving or to generate income for a facility to supply power to an electric grid or otherwise supply power as part of a financial arrangement with another entity. For owners and operators of emergency engines, any operation other than emergency operation, maintenance and testing, and operation in non-emergency situations for 50 hours per year, as permitted in this section, is prohibited. [40CFR§60.4243(d)]

- 8.4.5. Owners and operators of stationary SI natural gas fired engines may operate their engines using propane for a maximum of 100 hours per year as an alternative fuel solely during emergency operations, but must keep records of such use. If propane is used for more than 100 hours per year in an engine that is not certified to the emission standards when using propane, the owners and operators are required to conduct a performance test to demonstrate compliance with the emission standards of §60.4233. [40CFR§60.4243(e)]
- 8.4.6. If you are an owner or operator of a stationary SI internal combustion engine that is less than or equal to 500 HP and you purchase a non-certified engine or you do not operate and maintain your certified stationary SI internal combustion engine and control device according to the manufacturer's written emission-related instructions, you are required to perform initial performance testing as indicated in this section, but you are not required to conduct subsequent performance testing unless the stationary engine is rebuilt or undergoes major repair or maintenance. A rebuilt stationary SI ICE means an engine that has been rebuilt as that term is defined in 40 CFR 94.11(a). [40CFR§60.4243(f)]
- 8.4.7. It is expected that air-to-fuel ratio controllers will be used with the operation of three-way catalysts/non-selective catalytic reduction. The AFR controller must be maintained and operated appropriately in order to ensure proper operation of the engine and control device to minimize emissions at all times. [40CFR§60.4243(g)]
- 8.4.8. If you are an owner/operator of an stationary SI internal combustion engine with maximum engine power greater than or equal to 500 HP that is manufactured after July 1, 2007 and before July 1, 2008, and must comply with the emission standards specified in sections 60.4233(b) or (c), you must comply by one of the methods specified in paragraphs (h)(1) through (h)(4) of this section.
- a. Purchasing an engine certified according to 40 CFR part 1048. The engine must be installed and configured according to the manufacturer's specifications.
 - b. Keeping records of performance test results for each pollutant for a test conducted on a similar engine. The test must have been conducted using the same methods specified in this subpart and these methods must have been followed correctly.
 - c. Keeping records of engine manufacturer data indicating compliance with the standards.
 - d. Keeping records of control device vendor data indicating compliance with the standards.
- [40CFR§60.4243(h)]

8.5. Testing Requirements for Owners and Operators

- 8.5.1. Owners and operators of stationary SI ICE who conduct performance tests must follow the procedures in paragraphs (a) through (f) of this section.
- a. Each performance test must be conducted within 10 percent of 100 percent peak (or the highest achievable) load and according to the requirements in §60.8 and under the specific conditions that are specified by Table 2 to this subpart. [40CFR§60.4244(a)]

- b. You may not conduct performance tests during periods of startup, shutdown, or malfunction, as specified in §60.8(c). If your stationary SI internal combustion engine is non-operational, you do not need to startup the engine solely to conduct a performance test; however, you must conduct the performance test immediately upon startup of the engine. [40CFR§60.4244(b)]
- c. You must conduct three separate test runs for each performance test required in this section, as specified in §60.8(f). Each test run must be conducted within 10 percent of 100 percent peak (or the highest achievable) load and last at least 1 hour. [40CFR§60.4244(c)]
- d. To determine compliance with the NO_x mass per unit output emission limitation, convert the concentration of NO_x in the engine exhaust using Equation 1 of this section:

$$ER = \frac{C_d \times 1.912 \times 10^{-3} \times Q \times T}{HP - hr} \quad (Eq. 1)$$

Where:

ER = Emission rate of NO_x in g/HP-hr.

C_d = Measured NO_x concentration in parts per million by volume (ppmv).

1.912×10⁻³ = Conversion constant for ppm NO_x to grams per standard cubic meter at 20 degrees Celsius.

Q = Stack gas volumetric flow rate, in standard cubic meter per hour, dry basis.

T = Time of test run, in hours.

HP-hr = Brake work of the engine, horsepower-hour (HP-hr).

[40CFR§60.4244(d)]

- d. To determine compliance with the CO mass per unit output emission limitation, convert the concentration of CO in the engine exhaust using Equation 2 of this section:

$$ER = \frac{C_d \times 1.164 \times 10^{-3} \times Q \times T}{HP - hr} \quad (Eq. 2)$$

Where:

ER = Emission rate of CO in g/HP-hr.

C_d = Measured CO concentration in ppmv.

1.164×10⁻³ = Conversion constant for ppm CO to grams per standard cubic meter at 20 degrees Celsius.

Q = Stack gas volumetric flow rate, in standard cubic meters per hour, dry basis.

T = Time of test run, in hours.

HP-hr = Brake work of the engine, in HP-hr.

[40CFR§60.4244(e)]

- e. For purposes of this subpart, when calculating emissions of VOC, emissions of formaldehyde should not be included. To determine compliance with the VOC mass per unit output emission limitation, convert the concentration of VOC in the engine exhaust using Equation 3 of this section:

$$ER = \frac{C_d \times 1.833 \times 10^{-3} \times Q \times T}{HP-hr} \quad (\text{Eq. 3})$$

Where:

ER = Emission rate of VOC in g/HP-hr.

C_d = VOC concentration measured as propane in ppmv.

1.833×10^{-3} = Conversion constant for ppm VOC measured as propane, to grams per standard cubic meter at 20 degrees Celsius.

Q = Stack gas volumetric flow rate, in standard cubic meters per hour, dry basis.

T = Time of test run, in hours.

HP-hr = Brake work of the engine, in HP-hr.

[40CFR§60.4244(f)]

- f. If the owner/operator chooses to measure VOC emissions using either Method 18 of 40 CFR part 60, appendix A, or Method 320 of 40 CFR part 63, appendix A, then it has the option of correcting the measured VOC emissions to account for the potential differences in measured values between these methods and Method 25A. The results from Method 18 and Method 320 can be corrected for response factor differences using Equations 4 and 5 of this section. The corrected VOC concentration can then be placed on a propane basis using Equation 6 of this section.

$$RF_i = \frac{C}{C_{Ai}} \quad (\text{Eq. 4})$$

Where:

RF_i = Response factor of compound i when measured with EPA Method 25A.

C_{Mi} = Measured concentration of compound i in ppmv as carbon.

C_{Ai} = True concentration of compound i in ppmv as carbon.

$$C_{i\text{corr}} = RF_i \times C_{i\text{meas}} \quad (\text{Eq. 5})$$

Where:

$C_{i\text{corr}}$ = Concentration of compound i corrected to the value that would have been measured by EPA Method 25A, ppmv as carbon.

$C_{i\text{meas}}$ = Concentration of compound i measured by EPA Method 320, ppmv as carbon.

$$C_{Peq} = 0.6098 \times C_{i\text{corr}} \quad (\text{Eq. 6})$$

Where:

C_{Peq} = Concentration of compound i in mg of propane equivalent per DSCM.

[40CFR§60.4244(g)]

8.6. Notification, Reports, and Records for Owners and Operators

8.6.1. Owners or operators of stationary SI ICE must meet the following notification, reporting and recordkeeping requirements.

a. Owners and operators of all stationary SI ICE must keep records of the information in paragraphs (a)(1) through (4) of this section.

1. All notifications submitted to comply with this subpart and all documentation supporting any notification.
2. Maintenance conducted on the engine.
3. If the stationary SI internal combustion engine is a certified engine, documentation from the manufacturer that the engine is certified to meet the emission standards and information as required in 40 CFR parts 90 and 1048.
4. If the stationary SI internal combustion engine is not a certified engine or is a certified engine operating in a non-certified manner and subject to §60.4243(a)(2), documentation that the engine meets the emission standards.

[40CFR§60.4245(a)]

b. For all stationary SI emergency ICE greater than or equal to 500 HP manufactured on or after July 1, 2010, that do not meet the standards applicable to non-emergency engines, the owner or operator of must keep records of the hours of operation of the engine that is recorded through the non-resettable hour meter. For all stationary SI emergency ICE greater than or equal to 130 HP and less than 500 HP manufactured on or after July 1, 2011 that do not meet the standards applicable to non-emergency engines, the owner or operator of must keep records of the hours of operation of the engine that is recorded through the non-resettable hour meter. For all stationary SI emergency ICE greater than 25 HP and less than 130 HP manufactured on or after July 1, 2008, that do not meet the standards applicable to non-emergency engines, the owner or operator of must keep records of the hours of operation of the engine that is recorded through the non-resettable hour meter. The owner or operator must document how many hours are spent for emergency operation, including what classified the operation as emergency and how many hours are spent for non-emergency operation. [40CFR§60.4245(b)]

c. Owners and operators of stationary SI ICE greater than or equal to 500 HP that have not been certified by an engine manufacturer to meet the emission standards in §60.4231 must submit an initial notification as required in §60.7(a)(1). The notification must include the information in paragraphs (c)(1) through (5) of this section.

1. Name and address of the owner or operator;
2. The address of the affected source;
3. Engine information including make, model, engine family, serial number, model year, maximum engine power, and engine displacement;
4. Emission control equipment; and
5. Fuel used.

[40CFR§60.4245(c)]

d. Owners and operators of stationary SI ICE that are subject to performance testing must submit a copy of each performance test as conducted in §60.4244 within 60 days after the test has been completed. [40CFR§60.4245(d)]

CERTIFICATION OF DATA ACCURACY

I, the undersigned, hereby certify that, based on information and belief formed after reasonable inquiry, all information contained in the attached _____, representing the period beginning _____ and ending _____, and any supporting documents appended hereto, is true, accurate, and complete.

Signature¹

(please use blue ink)

Responsible Official or Authorized Representative

Date

Name & Title

(please print or type)

Name

Title

Telephone No. _____

Fax No. _____

¹ This form shall be signed by a "Responsible Official." "Responsible Official" means one of the following:

- a. For a corporation: The president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
 - (i) the facilities employ more than 250 persons or have a gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), or
 - (ii) the delegation of authority to such representative is approved in advance by the Director;
- b. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;
- c. For a municipality, State, Federal, or other public entity: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of U.S. EPA); or
- d. The designated representative delegated with such authority and approved in advance by the Director.